

Sec. 96. The demands specified in the first fourteen subdivisions of section ninety-five, shall be paid out of any moneys in the treasury, in preference to any and all other demands whatsoever; and in case of any deficiency of funds for the payment of any of the said demands, when presented, then all such demands, being presented and registered by the Treasurer, as in this Act required, shall be paid out of any moneys afterward coming into the said treasury applicable thereto, in the order in which the same are registered.

Sec. 97. The Board of Supervisors, Board of Education, and each and every officer of the said city and county, being absolutely prohibited to contract any debt or liability, in any form, against the said city and county hereafter, the powers of the Board of Supervisors, enumerated in this Act, so far as the exercise thereof may involve the expenditure of money otherwise than for the objects and demands referred to in the preceding section, shall be deemed to extend only to authorizing the appropriation and application of any surplus moneys remaining in the treasury during any one fiscal year, to the objects specified in such enumeration of powers, after the demands mentioned in the first fourteen subdivisions of section ninety-five, due and payable during such fiscal year, shall have been paid, and the several Sinking Funds shall have been provided and reserved for the redemption of said bonds and certificates of stock, to the amount hereinbefore specified.

Sec. 98. If any expenditures not authorized by this Act, be incurred, they can never be paid out of the treasury, nor shall they be deemed to constitute, or lay the foundation of any claim, demand, or liability, legal, equitable, or otherwise, against the said city and county. If expenditures be incurred, which are authorized by this Act to be paid out of the surplus funds in the treasury, but not for the preferred objects specified in section ninety-six, such expenditures can only be paid out of such surplus funds and revenues strictly appertaining to the fiscal year in which such expenditures have been ordered, or the contracts therefor entered into, and cannot be carried forward and paid out of any revenues accruing and receivable into the treasury for any subsequent year; nor shall any demand for, or arising out of, any such expenditure, contract, or consideration, be deemed to be a legal or equitable claim or liability against the said city and county, or the treasury thereof, or the taxable property of tax payers, otherwise than as in this section provided; and no demand preferred against the said city and county, or the treasury thereof, which is not legally obligatory under the provisions of this Act, can be recognized assumed, or legalized, so as to give it any validity, or authorize the payment thereof.

Sec. 99. [Repeals former Acts, and provides that all laws and parts of laws defining the powers and duties of Supervisors or Boards of Supervisors, are declared inapplicable to the said City and County of San Francisco, except such as are expressly referred to in, and made applicable thereto by the provisions of this Act; also, all laws and parts of laws, as far as they conflict with the provisions of this Act. The schedule to the Act provides for the organization of San Mateo County, and is therefore omitted.]

SUPPLEMENTAL XVIII.—*An Act to organize and regulate the Justices' Court in the City and County of San Francisco.*—Approved March 26, 1868.*

SECTION 1. There shall be in and for the City and County of San Francisco one Justice's Court, which shall have the powers and jurisdiction now prescribed and conferred by law upon Justices of the Peace and Justices' Courts in said city and county. All actions, suits, and proceedings, whereof Justices of the Peace and Justices' Courts in said city and county have jurisdiction, shall be commenced, entitled, and prosecuted in said Court. The said Court shall be always open, non-judicial days excepted, and causes therein may be tried before the presiding Justice, before any one of the Justices, before whom the original process may be made returnable, or to whom the cause may be assigned or transferred for trial; or before any three Justices of the Peace constituting the Court in bank as hereinafter provided; but the Court in bank shall have exclusive power to hear and determine all applications for new trial. For the organization of said Court, Justices of the Peace, a Justices' Clerk, and Constables shall be elected or appointed as hereinafter provided.

Sec. 2. There shall be for the City and County of San Francisco five Justices of the Peace, to be elected by the city and county at large, at the time, in the manner, and for the term, as now prescribed by law for the election of such Justices.

Sec. 3. The Board of Supervisors shall annually appoint one of the Justices of the Peace to be Presiding Justice, who, as such, shall hold office for one year, and until his successor shall be in the same manner appointed; and any one of the other Justices may attend, preside, and act as Presiding Justice during the temporary absence or disability of the Justice so appointed. The Board of Supervisors shall also appoint a Justices' Clerk, on the written nomination and recommendation of the said Justices, or a majority of them, who shall hold office for two years, and until his successor is appointed and qualified. * * * *

* See also Act to provide for the dockets of former Justices of the Peace. Statutes 1868, page 276.