

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. * * *

SEC. 4. Office of Constable abolished, [Act February 10, 1870.] which also provides that the Sheriff of the City and County of San Francisco shall be the officer of said Court, and in addition to the Deputies now allowed by law, may appoint three deputies, whose duty it shall be to assist said Sheriff in serving and executing all the processes, writs and orders of the said Justices' Court. Said deputies shall receive a salary of one hundred and twenty-five dollars per month each, payable monthly out of the city and county treasury, and out of the Special Fee Fund, after having been first allowed and audited as other similar demands are by law required to be audited and allowed.—[Amendment Act February 10, 1870.]

SEC. 5. The Board of Supervisors shall provide in some convenient locality in said City and County, a suitable building, with rooms for the Clerk's office, Court room, and separate rooms for offices or chambers for each of the Justices of the Peace, (the presiding Justice excepted) for the transaction of their official business, and shall also provide suitable furniture therefor; or if said Board should deem it necessary and expedient, offices or chambers for the Justices may be provided and assigned for them in different buildings and places. At the Clerk's office, the presiding Justice and Justices' Clerk shall be in attendance daily, non-judicial days excepted, from the hour of nine A. M. until 5 P. M., and at such other convenient hours as may be required by urgent official business; and the other Justices aforesaid shall be in attendance at their respective offices or chambers, for the dispatch of official business, daily, from the hour of nine A. M. until five P. M. * * *

SEC. 6. All legal process of every kind which the Justices of the Peace of said City and County, or any of them, are or may be authorized to issue, for the issuance or service of which any fee is or may be allowed by law, shall be issued by the said Clerk upon the order of the presiding Justice, or upon the order of one of the said Justices of the Peace, except as hereinafter provided; and the fees for issuance and service of all such process, and all other fees which now are allowed by law for any official services of Justices, Sheriff or Justices' Clerk, shall be exacted and paid in advance into the hands of said Clerk, and by him daily or weekly, as the Board of Supervisors may require, and before his salary shall be allowed, accounted for in detail, under oath, and paid into the treasury of the City and County, as part of the Special Fee Fund: *provided*, that such payment in advance shall not be exacted from parties who, upon proving to the satisfaction of the presiding Justice, by their own affidavit or other evidence, setting forth the facts and circumstances of their demand, that they have a good cause of action, and that they are not of sufficient pecuniary ability to pay the legal fees in advance, shall be admitted by such Justice to sue either *in formâ pauperis*, or without such prepayment.—[Amendment, February 10, 1870.]

[Sections 7 to 18 refer to the proceedings in the Court and the mode of conducting the same].—[Amended, Acts February 10, and April 2, 1870.]

SEC. 19. The Justices of the Peace* and Justices' Clerk shall receive for their official services the following salaries, and no other compensation, payable monthly out of the city and county treasury, and out of the Special Fee Fund, after being first allowed and audited as other similar demands are by law required to be allowed and audited; to the Presiding Justice, three thousand dollars per annum; to the Justices' Clerk, and each of the Justices of the Peace, (the Presiding Justice excepted) twenty-four hundred dollars each per annum.—[Amendment, February 10, 1870.]

[Sections 20 and 21 prescribe who shall practice in said Court].—[Amended, February 10, and April 2, 1870.]

SUPPLEMENTAL XX.—*An Act to establish a Municipal Court in the City and County of San Francisco.*—Approved March 31, 1870.

SECTION 1. There shall and hereby is established, within the City and County of San Francisco, a Municipal Court, to be called and known by the name of the Municipal Criminal Court of the City and County of San Francisco.

SEC. 2. A Judge of said Court shall be elected by the qualified electors of said city and county, at the next special judicial election, to be held in the year eighteen hundred and seventy-one, who shall hold his office for the term of four years from the first day of January next after his election; *provided*, that the Governor shall, immediately after the passage of this Act, appoint and commission some suitable person, who has been a resident of said City and County of San Francisco for the past five years, as a Judge of said Municipal Court, who shall hold such office until his successor is duly elected, in the manner hereinbefore provided, and who shall

*Authorized to appoint a janitor at seventy-five dollars per month.—[Act March 30, 1868.]