

qualify according to law. When any vacancy occurs in the office of Judge of said Court, it shall be filled by the Governor, by the appointment of some suitable person for the unexpired term.

SEC. 3. The said Court shall hold its sessions in the City and County of San Francisco, in such central or convenient place as shall be provided for that purpose by the Board of Supervisors of said City and County of San Francisco.

SEC. 4. The said Court shall be a Court of record, and shall have a seal to be devised by the Judge thereof, a description of which shall be entered on the minutes of the Court, and filed in the office of the Secretary of State. And the said Court shall have the same power as the District Court to regulate its forms of process and proceedings, and to make rules for its own government.

SEC. 5. All writs and process issued out of said Municipal Court, shall be in the form prescribed for writs and process issued out of the District Court, and shall be executed and returned in like manner; and said Court shall have power to issue all writs of subpœna and other process, and the same may be served beyond the limits of the City and County of San Francisco, and shall be considered of the same effect as writs and process issued out of the District Courts; and obedience to such subpœna, when properly issued and served, may be enforced in like manner as obedience to a subpœna may be enforced by the District Courts.

SEC. 6. An appeal may be taken to the Supreme Court from any judgment or order of the said Municipal Criminal Court in like manner as from an order or judgment of the District and County Courts, and all laws regulating appeals from District and County Courts shall be deemed applicable to appeals from the said Municipal Criminal Court.

SEC. 7. All laws regulating proceedings in the District Court shall, so far as they are not inconsistent with the provisions of this Act, be deemed applicable to the proceedings of the said Municipal Criminal Court; and said Court shall have power to make rules, not inconsistent with the laws of the State, for its government and the government of its officers.

SEC. 8. The County Clerk of the City and County of San Francisco, shall be *ex officio* Clerk of said Municipal Criminal Court, and he is hereby authorized to appoint one deputy to act as Court room Clerk of said Court, who shall receive a salary of two hundred dollars per month, and one deputy to act as office Clerk of said Court, who shall receive a salary of one hundred and twenty-five dollars per month, and such salaries shall be paid in the same manner as the salaries of the other deputies of said County Clerk.

SEC. 9. The Sheriff of the City and County of San Francisco shall be the Sheriff of the said Municipal Criminal Court, and shall execute, either in person or by deputy, such of the process of said Court as may be required to be executed by a Sheriff, and shall be amenable to said Court, by proceedings, as for contempt, on his failure to execute such process. And said Sheriff is hereby authorized to appoint a deputy, in addition to those now appointed by him, who shall act as Bailiff or Deputy Sheriff of said Court, and who shall receive a salary of one hundred and fifty dollars per month, to be paid in the same manner as the salaries of the other deputies of said Sheriff are paid.

SEC. 10. The Judge of said Court shall have power to take and certify affidavits, to be read or filed in any Court, or before any judicial officer of this State, and in other cases where a judicial oath or affidavit is required, except in those cases where such oath or affidavit shall be specially provided by law to be taken before some other officer or tribunal.

SEC. 11. The said Judge of the Municipal Criminal Court shall be a conservator of the peace in the said City and County of San Francisco, and may exercise all the powers conferred by law upon the County Judge as Magistrate.

SEC. 12. When an indictment is found in the County Court in and for the City and County of San Francisco, for any felony or misdemeanor now triable in the County Court of said city and county, it may be transmitted by the Clerk of said Court to said Municipal Criminal Court for trial, except when the indictment is found against a person holding the office of Judge of said Municipal Criminal Court.

SEC. 13. In all indictments transmitted under the provisions of this Act to said Municipal Criminal Court, it shall have jurisdiction for trial and determination exclusive of the jurisdiction of the County Court of the City and County of San Francisco; and the mode of procedure and trial in said Municipal Criminal Court shall be, in all respects, the same as now prescribed for District and County Courts under an Act of the Legislature of the State of California, entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, and all Acts amendatory thereof and supplementary thereto, excepting so much of said Act as may be in conflict with the provisions of this Act.

SEC. 14. All indictments pending at the time of the passage of this Act and the organization of the Court thereunder, in the County Court of the City and County of San Francisco, shall be, at the option and discretion of the County Court or the Judge thereof, transmitted to said Municipal Criminal Court for trial and determination.