

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 or county. If expenditures be incurred which are authorized by this Act to be paid out of the Surplus Fund, 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 XXV.—*An Act to Organize and Regulate the Justices' Court, in the City and County of San Francisco.*—Approved March 23, 1866.

SECTION 1. There shall be in and for the City and County of San Francisco one Justices' 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 trials. For the organization of said Court, Justices of the Peace and Justices' Clerk shall be, respectively, elected or appointed as hereinafter provided, and the Sheriff of the City and County of San Francisco, *ex officio*, shall be an officer of said Court as hereinafter provided.—[Amendment February 10, 1870.]

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, biennially, appoint one of the Justices of the Peace to be Presiding Justice, who, as such, shall hold office for two years, and until his successor shall in the same manner be 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.—[Amendment March 30, 1872.] * * * *

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 five 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. * * * * The Justices