

officer can be proceeded against according to law, which shall be done without delay. The person so appointed shall give bond and take the oath of office, in the same manner as was required of the officer whose place he was appointed to fill. If the Treasurer, or other officer so charged as a defaulter, be acquitted thereof, he shall resume his duties.

SEC. 95. Payments of demands on the treasury of said city and county may be made for the following objects, and none others [amended April 18, 1857]:

*First*—[Obsolete].

*Second*—Out of the School Fund, the salaries or wages of teachers in the common schools, rents, repairs, building and furnishing of school houses, as provided by law.

*Third*—Out of the General Fund, the fixed salaries or compensation of the Assessor and his Deputies, the salaries fixed by law, and other officers of said city and county, and of officers of the Fire Department, and the legal fees of jurors and witnesses in criminal cases, when the same by law are payable out of the county treasury.

*Fourth to Tenth* (inclusive)—[Obsolete].

*Eleventh*—Out of the Police Fund, bills for the subsisting of prisoners previously authorized by the Board of Supervisors, as in this Act provided, and duly audited, which bills must minutely specify each several item composing the demand.

*Twelfth*—[Obsolete].

*Thirteenth*—Out of the General Fund, bills duly audited for expenditures in the care and maintenance of the indigent sick of the city and county, previously authorized by the Board of Supervisors, and not exceeding the amount in this Act limited for that purpose.

*Fourteenth*—Out of the General Fund

books, stationery, and official blanks, as authorized by section eleven of this Act; also, expenditures not exceeding two thousand dollars [amended Act April 26, 1862], during any one month for objects of urgent necessity other than those heretofore specified in this section, when the amount thereof in each particular case shall have been previously authorized and fixed by the Board of Supervisors in the lawful exercise of their powers.—[Provisions relative to expenditures for Fire Department, construction of cisterns, etc., superseded by Act of March 2, 1868, and Amendments March 14, 1870, and March 30, 1874; see Supplemental Acts II and III, pages 882 and 883.]

*Fifteenth*.—Out of the Surplus Fund, expenditures previously authorized by the Board of Supervisors, in the lawful exercise of their powers, for objects other than those specified in the preceding fourteen subdivisions of this section, may be paid out of the Surplus Fund, as specified in sections ninety-seven and ninety-eight, but not otherwise. At the end of each fiscal year and after every lawful demand on the treasury then due and payable, or to accrue for that year, shall have been actually paid, taken up, and canceled, and record thereof made in the proper books, or cash in the treasury shall have been set apart and reserved equal to the amount of said demands that may then be outstanding or to accrue for that year, and a surplus of money shall still remain in the treasury, then and in such case, but not otherwise, the Board of Supervisors may, out of such Surplus Fund, and from no other source whatever, make appropriations for the various objects embraced within their lawful powers, other than those specified in the first fourteen subdivisions of this section, and may, in case the revenue of the year then next ensuing will, in their opinion, be amply sufficient to satisfy all demands upon the General Fund and Police Fund, set apart and reserve the moneys so appropriated, to be expended from time to time during such succeeding year, subject however to the provisions of section ninety-six. Every contract whereby any money is to be paid out of the treasury for other objects than those specified in the first fourteen subdivisions of this section, shall be null and void as against the city and county, if made before such Surplus Fund exists in the treasury, and unless it be in writing with a printed copy of sections ninety-five, ninety-six, ninety-seven, and ninety-eight of this Act attached to it, and in such case the officer or officers executing the same in behalf of the city and county, in contravention of this provision, shall alone be liable, in his or their individual capacity, to the other contracting party for the fulfillment of such contract.—[Amendment April 18, 1857.]

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

"Cleanliness is next to Godliness!" Go and Bathe at 113 Geary.

Read, Brand & Co., 310 Clay, are Agents for Miller & Richard Type Founders, and Cowan & Co. Paper Manufacturers, Edinburgh.