

empt to acquire property under this Act for the purposes herein named, at any stage of the proceedings, shall not operate to extinguish the power of said city and county to acquire water rights, water works, and property for the purposes, and in the mode and manner provided, but proceedings may be had for the purposes and in the mode and manner prescribed in this Act, and by the authorities herein provided, as often as necessary, until a sufficient supply of fresh water shall be secured for the use of the inhabitants of said city and county.

SEC. 16. This act shall take effect and be in force from and after its passage.

EMENTAL XXXI.—An Act to Establish Water Rates in the City and County of San Francisco.—Approved March 1, 1876.

SECTION 1. There shall be appointed, in the manner hereinafter provided, a Board, to be called the "Board of Water Commissioners of the City and County of San Francisco," to consist of five members, whose duty it shall be to determine and fix annually the rates at which fresh water shall be furnished by any individual, company or association engaged therefor which may hereafter engage in the business of supplying water to the inhabitants of the City and County of San Francisco.

SEC. 2. Within thirty days after the passage of this Act, the Mayor of the City and County of San Francisco shall appoint, subject to the confirmation of the Board of Supervisors, five citizens of good repute, not interested in water companies, nor in water rights, to act as Water Commissioners, who shall hold their office during the pleasure of said Board of Supervisors from the date of their confirmation and until their successors are qualified.

SEC. 3. The Board of Supervisors shall vote *viva voce* on the confirmation of each member of the Board of Water Commissioners, and a majority of the whole number of the former shall be necessary to a confirmation.

SEC. 4. The Commissioners, before entering upon their duties, shall take and subscribe an oath or affirmation that they will faithfully perform such duties and establish such rates as shall be just and reasonable to the consumers, which rates shall be confirmed by ordinance of the Board of Supervisors before taking effect; and it shall be the duty of any individual, company, or association engaged in, or who may hereafter engage in the business of supplying water to the inhabitants of San Francisco, to furnish the same at the rates which may be established under the provisions of this Act, and to furnish water to the extent of their means to said city and county, in case of fire or other great necessity, free of charge.—[Section 1, Amendatory Act, April 3, 1876.] The said Board of Water Commissioners of the City and County of San Francisco, and the Clerk thereof, shall have free access to any records, books and papers in the offices of any individuals, corporations, companies, or associations engaged, or who may hereafter engage, in the business of supplying water to the inhabitants of the City and County of San Francisco; and said Board of Water Commissioners of the City and County of San Francisco, and the several members thereof, and the Clerk thereof, shall have the same power as courts of record to administer oaths and affirmations, to examine witnesses, and compel their attendance before the Board last aforesaid, and the production of papers, by subpoena, and attachment for contempt in case of their refusal to appear or to testify when lawfully required for the purposes of said Act and of this Act.—[Section 2, Amendatory Act, April 3, 1876.] The Board of Supervisors of said city and county are hereby empowered by ordinance to provide regulations to prevent waste by consumers of the waters supplied for their use, as hereinbefore mentioned; and any violation of the provisions of such ordinance is hereby declared to be a misdemeanor, punishable by such penalty as may be prescribed by said Board of Supervisors.—[Section 3, Amendatory Act, April 3, 1876.] The provisions of the Act to which this Act is amendatory and supplementary, and this Act shall be applicable to all corporations engaged in, or which may hereafter engage in the business of supplying water to the inhabitants of the City and County of San Francisco.—[Section 4, Amendatory Act, April 3, 1876.]

SEC. 5. The Board of Water Commissioners shall keep an office in some convenient locality, to be designated by the Board of Supervisors, and the Clerk of the Board of Supervisors shall be the Clerk of said Board of Water Commissioners, at a salary of one thousand dollars per annum, in addition to his present salary (payable out of the General Fund of said city and county), who shall keep a record of the proceedings of the Board, which shall be open to the inspection of any citizen desiring to examine the same. He shall also keep a journal, in which shall be entered the complaint of any tax-payer regarding the quality or quantity of water furnished to him by any individual, company or association supplying water under the provisions of this Act. The Board of Supervisors are hereby fully authorized and empowered, by order or resolution, to fix the penalty to be imposed on any individual, company, or association neglecting or refusing to furnish the quantity or quality of water to any consumer at the rates established by the said Board of Water Commissioners, to be collected in any court of competent jurisdiction, at the suit of the City and County of San Francisco.

SEC. 6. The Board of Water Commissioners shall ascertain, from actual inspection by some of their members, that a constant supply of water is maintained in the reservoirs, mains and pipes, to meet the ordinary wants of the inhabitants of the city and county, and the emergencies produced by fire, or for hygienic purposes.

SEC. 7. The Board of Supervisors of the City and County of San Francisco are hereby fully authorized and empowered to determine and establish, by order or resolution, the size of the