

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 conformity 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 hereto, 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 provided and reserved for the redemption of said bonds and certificates of stock to the amount hereinbefore specified.

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 funds 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 XLI.—*Health and Quarantine Regulations for the City and Harbor of San Francisco.*—[From the Political Code, Secs. 3004-3032.]

SECTION 3004. The quarantine grounds of the Bay and Harbor of San Francisco are at the anchorage of Saucelito.

SEC. 3005. The Board of Health for the City and County of San Francisco consists of the Mayor of the city and county, and four physicians in good standing, residing in the City and county of San Francisco, appointed by the Governor, holding their office for the term of five years.

SEC. 3006. The Mayor is *ex officio* President of the Board. The Board must meet monthly