act of the legislature of the state of California. And the said Los Angeles City Water company still has, claims and exercises the rights and franchises mentioned in the said contract, and under and in pursuance thereof, and of the acts of the legislature aforesaid, and with the knowledge, acquiescense and recognition of the municipal authorities of the city of Los Angeles.

Eighth—That on the 6th day of September, 1892, the council of the city of Los Angeles passed an ordinance in words and figures following, together with the certificate of the clerk of the adoption thereof.

ORDINANCE NO. 1436.—NEW SERIES.

An ordinance determining that the public interest and necessity of the city of Los Angeles demands the construction of a system of water works to be owned and controlled by said city, the cost of which will be too great to be paid out of the ordinary annual income and revenue of said city; and that it is the intention of the city council to have such system of water works constructed.

The mayor and council of the city of Los Angeles do ordain as follows:

SECTION 1. That the public interest and necessity of the city of Los Angeles demands the construction of a system of water works to be owned and controlled by the city of Los Angeles, such system of water works to be built according to the plans and specifications now on file in the office of the engineer of said city, and the cost of which is to be $526,000, which cost is too great to be paid out of the ordinary annual income and revenue of the city of Los Angeles; and that it is the intention of said council to have said system of water works constructed.

SEC. 2. The city clerk shall certify to the passage of this ordinance by a vote of two-thirds of the members of the city council, and shall cause the same to be published for two weeks in the Los Angeles Evening Express, and thereupon and thereafter it shall take effect and be in force.

I hereby certify that the foregoing ordinance was adopted by the council of the city of Los Angeles at its meeting of September 6th, 1892, by the following vote:

Ayes—Messrs. Alford, Innes, McGarry, Nickell, Rhodes, Rees, Summerland and Tufts and President Bonsall—9.

Noes—None.

(The members voting "aye" composing more than two-thirds of all the members of the city council.)

FREEMAN G. TEED,
City Clerk.

Approved this 8th day of September, 1892. HENRY T. HAZARD,
Mayor.

And which said ordinance was approved by the mayor of the city of Los Angeles on the 8th day of September, 1892. That under and in pursuance of the second section of said ordinance the same was published in the Los Angeles Evening Express, a newspaper published in the city of Los Angeles, for two weeks, commencing on the 12th day of September, 1892, and ending on the 27th day of September, 1892, but that said ordinance, after the time fixed by its terms when it should go into effect, was never published in any newspaper in the city of Los Angeles, or elsewhere.

That afterwards, to-wit, on the 3d day of October, 1892, the council of the city of Los Angeles passed, and on the 4th day of October, 1892, the mayor of said city approved an ordinance, No. 1451, new series, of which the following is a full, true and correct copy, together with the certificate of the clerk of the adoption thereof:

ORDINANCE NO. 1451—NEW SERIES.

An ordinance declaring the necessity of constructing a system of water works to be owned and controlled by the city of Los Angeles; providing for the holding of a special election in the city of Los Angeles, on November 2, 1892, for the purpose of voting for or against the issuing of bonds in the amount of $526,000, for the payment of the cost of the same; providing for the number and character of the bonds to be issued; dividing the city into election precincts; appointing polling places, inspectors, judges and clerks of election, and ordering the city clerk to publish notice of such special election.

Whereas, on the 6th day of September, 1892, the city council of the city of Los Angeles, by a vote of more than two-thirds of all its members, passed an ordinance determining that the public interest and necessity of the city of Los Angeles demands the construction of a system of water works to be owned and controlled by said city, the cost of which will be too great to be paid out of the ordinary annual income and revenue of said city, and that the amount to be expended in constructing the same is $526,000; and

Whereas, said ordinance was approved by the mayor of said city on the 8th day of September, 1892, and was published for two weeks in the Los Angeles Evening Express, a newspaper published in said city; and

Whereas, the city council of said city has had plans and estimates of the cost of said system of water works made by a competent engineer who has had successful experience in such work, which plans and estimates have been adopted by said city council, and are now on file in the office of the city clerk of said city;

Now, therefore, at this, the next regular meeting of said council after such publication,

The Mayor and Council of the City of Los Angeles do ordain as follows:

SECTION 1. That the public insterest and necessity of the city of Los Angeles demands the construction of a system of water works to be owned and controlled by said city, and to be constructed according to the plans and specifications proposed by the city engineer and adopted by said city council, the estimated cost of which system of water works is $526,000, which cost is too great to be paid out of the ordinary annual income and revenue of the city of Los Angeles; that it is the intention of the council of said city to submit to the qualified voters of said city the proposition of incurring a bonded indebtedness of $526,000 for the purpose of paying for the construction of said system of water works.

SECTION 2. That a special election shall be held in said city of Los Angeles on November 2, 1892, and is hereby called on that day for the purpose of submitting to the qualified voters of said city the proposition of incurring a bonded indebtedness for the object and purposes herein set forth. Said election shall be conducted in the manner provided for in the charter of said city and the laws of the state of California. The ballots to be used at said election shall read "For the issuing of bonds" and "Against the issuing of bonds." The polls at said election shall be opened at sunrise and close at 5 o'clock p. m. of the same day.

SECTION 3. For the purposes of said election the nine wards of the city, as described in article XII of the charter, are hereby divided into 12 precincts ing places, and the following officers of election are hereby appointed:

FIRST WARD.

Precinct A—All of the first ward; voting place, Downey avenue and Truman street; inspectors, Augustus Gundlack, Robert Pollard; judges, Charles Hayden, E. J. Post; clerks, James Mohan, J. G. Whitaker; ballot clerks, Henry Creciat, C. N. Earl.

SECOND WARD.

Precinct A—All of the Second ward lying west west of the following described line: Beginning at the intersection of First street and Beaudry avenue; thence northerly on Beaudry avenue to West Beaudry avenue; thence on West Beaudry avenue northerly and easterly to Beaudry avenue; thence northerly on Beaudry avenue to south line of Abila tract; thence northwesterly along south line of said tract to Canal street; thence along Canal street to Figueroa street; thence along Figueroa street and its prolongation to the official bed of the Los Angeles river; thence along river to north city boundary. Voting place, engine house No. 7; inspectors, H. G. Buckingham, W. C. Carey; judges, H. C. Register, William Mays; clerks, J. H. Melville, T. F. Phillips; ballot clerks, Adolph Davis, H. Q. Blaisdell.

Precinct B—All of the Second ward lying east of the following described line: Beginning at the intersection of First street and Beaudry avenue; thence northerly on Beaudry avenue to West Beaudry avenue, thence on West Beaudry avenue northerly and easterly to Beaudry avenue, thence northerly on Beaudry avenue to south line of Abila tract, thence northwesterly along south line of said tract to Canal street, thence along Canal street to Figueroa street, thence along Figueroa street and its prolongation to official bed of Los Angeles river; thence along the river to north city boundary. Voting place, northeast corner of Buena Vista and Temple streets; inspectors, J. M. Gregory, E. G. Tice; judges, Henry Geise, A. E. Senseney; clerks, George Gephard, Manuel Marquez; ballot clerks, E. P. Tompkins, J. J. Horrell.

THIRD WARD.

Precinct A—All of the third ward lying west of Flower street. Voting place, rear of drug store, corner Sixth and Pearl streets; inspectors, John Gross, C. Galpin; judges, J. L. Hunt, E. C. Bosbyshell; clerks, J. F. Mendenhall, N. C. Bledsoe; ballot clerks, I. B. Newton, C. W. Innes.

Precinct B—All of the Third ward lying east of Flower street. Voting place, new city hall; inspectors, H. S. West, M. Morris; judges, G. W. Burton, J. H. Armstrong; clerks, I. B. Dockweiler, O. W. Baldwin; ballot clerks, F. S. Munson, Henry B. Wilson.

FOURTH WARD.

Precinct A—All of the Fourth ward; voting place, corner Pearl and Pico streets; inspectors, E. L. Crabbe, W.W. Phelps; judges, B. McClure, J.C. Hyde; clerks, J. A. Thomas, John Spiers; ballot clerks, Henry Gripp, D. Botiller.

FIFTH WARD.

Precinct A—All of the Fifth ward; voting place, Washington gardens, corner Main and Washington streets; inspectors, J. W. Patillo, E. C. Hodgman; judges, Martin Forrest, Curtis L. Shumway; clerks, W. A. Field, A. A. Henry; ballot clerks, Frank W. Sabichi, Frank Harbert.

SIXTH WARD.

Precinct A—All of the Sixth ward; voting place, No. 1616 South Main street; inspectors, D. R. Rozelle, Antonio Orfila; judges, George R. Weeks, John Weber; clerks, C. A. Baskerville, George Pessell; ballot clerks, F. W. Stine, J. T. Bearden.

SEVENTH WARD.

Precinct A—All of the Seventh ward; voting place, southwest corner of Fifth and Regent streets; inspectors, John Wilson, G. C. Briggs; judges, H. Richmond, S. H. Henderson; clerks, W. F. Grosser, W. H. Walker; ballot clerks, W. R. Wilson, J. P. Caldwell.

EIGHTH WARD.

Precinct A—All of the Eighth ward lying north of Macy and Walters streets; voting place, east side San Fernando street, between Main and Sotello streets; inspectors, J. A. Cline, M. C. Fordham; judges, A. E. Dixon, John Licet; clerks, Oscar Macy, Fred Colby; ballot clerks, William Llewellyn, J. J. Carpenter.

Precinct B—All that portion of the Eighth ward lying south of Macy and Walters streets; voting place, hook and ladder building, Aliso street; inspectors, John Flood, Charles Gerson; judges, Alfred Moore, James Bothwell; clerks, J. Fleishman, George Stevenson; ballot clerks, Fred Holbrook, W. G. Teekman.

NINTH WARD.

Precinct A—All of Ninth ward; voting place, engine house, East Second street, near Boyle avenue; inspectors, H. F. Brown, C. H. White; judges, C. M. Farmer, Charles E. Blake; clerks, W.W. Herbst, L. N. Cochran; ballot clerks, E. A. Humphrey, William Ruddy.

SEC. 4. If the proposition be accepted by two-thirds of the qualified voters of said city, voting at said election, bonds of said city to the amount of $526,000 shall be issued for the payment of the cost of said system of water works. Said bonds shall be serial in character; one twentieth part of the whole amount of said indebtedness, together with interest due on all sums unpaid on that date, shall be paid each year. Said bonds shall be 526 in number, all to be dated January 1st, 1893, and bear interest at the rate of 5 per cent per annum, payable semi-annually, on the first day of July and the first day of January of each year after their issue, principal and interest to be payable in gold coin of the United States, and payable at the Chemical National bank of New York city.

SEC. 5. There shall be levied for the first year by the city council the sum of $52,000 for the payment of the principal and interest of said bonds, and for each succeeding year a sum sufficient to pay the accrued interest upon the remainder of the sum due and one-twentieth part of the principal.

SEC. 6. The city clerk is hereby directed, after this ordinance has been published ten times, as herein specified, to publish for two weeks in the Los Angeles Evening Express a notice of such special election, the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof.

SEC. 7. The city clerk shall certify to the passage of this ordinance by a vote of two-thirds of the members of the city council, and cause the same to be published once a day for ten days in the Los Angeles Evening Express, and thereupon and thereafter the same shall take effect and be in force.

I hereby certify that the foregoing or-

the city of Los Angeles at its meeting of October 3, 1892, by the following vote: Ayes—Messrs. Alford, Innes, McGarry, Nickell, Rhodes, Rees, Summerland, Tufts and President Bonsall—9.

Noes—None.

(The above comprising more than two-thirds of the members of the council of the city of Los Angeles.)

FREEMAN G. TEED, Clerk.

By A. C. LUCKENBACH, Deputy.

Adproved this 4th day of October, 1892. HENRY T. HAZARD, Mayor.

Eighth—And plaintiff further avers that the said ordinance No. 1451 was never published in the Los Angeles Evening Express, or any other newspaper, once a day for ten days, as required by the terms of said ordinance, and never took effect; nor has the said ordinance ever been in force.

Ninth—Plaintiff further avers that the said ordinance, if it ever went into effect, or had any force, was not published once a day for the said ten days, nor once a week for two weeks before the publication of the notice of the special election, hereinbefore referred to; nor was the same published in any newspaper whatever, for any time before the publication of the said notice of the special election.

Plaintiff further avers that the said legislative body did not, after the publication of the said ordinance, for any time, cause a notice of the special election mentioned and provided for in the said ordinance, to be published for not less than two weeks, nor for any time, in any newspaper published in the city of Los Angeles, in form as required by section 3 of the act of the legislature, approved March 19, 1889, entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations; incorporated under the laws of this state, for the construction of water works, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the act approved March 9, 1885, entitled an act to authorize municipal corporations of the fifth class, containing more than 3000 and less than 10,000 inhabitants to obtain water works, also to repeal an act approved March 15, 1887, entitled an act authorizing the incurring of indebtedness by cities, towns and municipal corporations, incorporated under the laws of this state." (Stats. 1889, p. 399)—nor any notice of said election whatever in any form.

Tenth—That afterwards the city clerk of the city of Los Angeles caused to be published in the Los Angeles Evening Express a notice of a special election, to be held in the city of Los Angeles, on Wednesday, November 2, 1892; of which said notice the following is a full, true and correct copy:

ELECTION NOTICE.

By virtue of the provisions of ordinance No. 1451 (new series) approved October 4, 1892, the undersigned, city clerk of the city of Los Angeles, hereby gives notice that a special election will be held in the city of Los Angeles on Wednesday, November 2, 1892, for the purpose of submitting to the qualified voters of the city of Los Angeles the proposition of issuing 526 bonds of said city, each for the sum of $1000.

All of said bonds shall be dated January 1, 1893, and bear interest at the rate of 5 per cent per annum, payable semi-annually on the first day of July and the first day of January of each year after their issue. Said bonds to be serial in character, and one-twentieth part of the principal shall be paid each year after their issue. Principal and interest payable in gold coin of the United States at the Chemical National bank of New York city.

Said bonds shall be issued for the payment of the cost of constructing a system of water works, to be owned and controlled by said city, the estimated cost of which system of water works is $526,000.

There shall be levied for the first year by the city council the sum of $52,600 for the payment of the principal and interest of said bonds and for each succeeding year a sum sufficient to pay the accrued interest upon the remainder of the sum due and one-twentieth part of the principal.

The polls at said election shall be opened at sunrise and close at 5 o'clock p. m. of the same day.

The ballots to be used at said election shall read "For the issuing of bonds," and "Against the issuing of bonds." Said election shall be conducted in the manner provided for in the charter of said city and the laws of the state of California.

For the purpose of said election the nine wards of the city, as described in article 12 of the charter, are hereby divided into 12 precincts, with the following boundaries and voting places, and the following officers of election are hereby appointed:

FIRST WARD.

Precinct A—All of the First ward; voting place, Downey avenue and Truman street; inspectors, Augustus Gundlack, Robert Pollard; judges, Charles Hayden, E. J. Post; clerks, James Mohan, J. C. Whitaker; ballot clerks, Henry Creciat, C. N. Earl.

SECOND WARD.

Precinct A—All of the Second ward lying west of the following described line: Beginning at the intersection of First street and Beaudry avenue, thence northerly on Beaudry avenue to West Beaudry avenue, thence on West Beaudry avenue northerly and easterly to Beaudry avenue, thence northerly on Beaudry avenue to south line of Abila tract, thence northwesterly along south line of said tract to Canal street; thence along Canal street to Figueroa street; thence along Figueroa street and its prolongation to the official bed of the Los Angeles river; thence along the river to north city boundary. Voting place, engine house No. 7; inspectors, H. C. Buckingham, W. C. Carey; judges, H. C. Register, William Mays; clerks, J. H. Melville, T. F. Phillips; ballot clerks, Adolph Davis, H. Q Blaisdell.

Precinct B—All of the Second ward lying east of the following-described line: Beginning at the intersection of First street and Beaudry avenue; thence northerly on Beaudry avenue to West Beaudry avenue; thence on West Beaudry avenue northerly and easterly to Beaudry avenue; thence northerly on Beaudry avenue to south line of Abila tract; thence northwesterly along south line of said tract to Canal street; thence along Canal street to Figueroa street and its prolongation to the official bed of the Los Angeles river; thence along the river to the north city boundary. Voting place, northeast corner of Buena Vista and Temple streets; inspectors, J. M. Gregory, E. G. Tie; judges, Henry Geise, A. E. Senseney; clerks, George Gephard, Manuel Marquiz; ballot clerks, E. P. Tompkins, J. J. Horrell.

THIRD WARD.

Precinct A—All of the Third ward lying west of Flower street; voting place, rear of drug store, corner of Sixth and Pearl streets; inspectors, John Gross, C. Galpin; judges, J. L. Hunt, E. C. Bosbyshell; clerks, J. F. Mendenhall, N. C. Bledsoe; ballot clerks, I. B. Newton, C. W. Innes.

Precinct B—All of the Third ward lying east of Flower street; voting place, new city hall; inspectors, H. S. West, M. Morris; judges, G. W. Burton, J. H. Armstrong; clerks, I. B. Dockweiler, O. W. Baldwin; ballot clerks, F. S. Munson, Henry B. Wilson.

FOURTH WARD.

Precinct A—All of the Fourth ward; voting place, Corner Pearl and Pico streets; inspectors, E. L. Crabbe, W.W. Phelps; judges, B. McClure, J. C. Hyde; clerks, J. A. Thomas, John Spiers; ballot clerks, Henry Gripp, D. Botiller.

FIFTH WARD.

Precinct A—All of the Fifth ward; voting place, Washington gardens, corner of Main and Washington streets; inspectors, J. W. Patillo, E. C. Hodgman; judges, Martin Forrest, Curtis L. Shumway; clerks, W. A. Field, A. A. Henry; ballot clerks, Frank W. Sabichi, Frank Harbert.

SIXTH WARD.

Precinct A—All of the Sixth ward. Voting place, No. 1616 South Main street; inspectors, D. R. Rozelle, Antonio Orfila; judges, George R. Weeks, John Weber; clerks, C. A. Baskerville, George Pessell; ballot clerks, F. W. Stine, J. T. Bearden.

SEVENTH WARD.

Precinct A—All of the Seventh ward. Voting place, southwest corner Fifth and Regent streets; inspectors, John Wilson, G. C. Briggs; judges, H. Richmond, S. H Henderson; clerks, W. F. Grosser, W. H. Walker; ballot clerks, W. R. Wilson, J. P. Caldwell,

EIGHTH WARD.

Precinct A—All of the Eighth ward lying north of Macy and Walters streets. Voting place, east side San Fernando street, between Main and Sotello streets; inspectors, J. A. Cline, M. C. Fordham; judges, A. E. Dixon, John Licet; clerks, Oscar Macy, Fred Colby; ballot clerks, Wm. Llewellyn, J. J. Carpenter.

Precinct B—All that portion of Eighth ward lying south of Macy and Walters streets. Voting place, hook and ladder building, Aliso street; inspectors, John Flood, Chas. Gerson; judges, Alfred Moore, James Bothwell; clerks, J. Fleishman, George Stevenson; ballot clerks, Fred Holbrook, W. G. Teckman.

NINTH WARD.

Precinct A—All of the Ninth ward; voting place, engine house, East Second street, near Boyle avenue. Inspectors, B. F. Brown, C. H. White; judges, C. M. Farmer, Charles E. Blake; clerks, W. W. Herbst, I. N. Cochran; bollot clerks, E. A. Humphrey, William Ruddy. FREEMAN G. TEED,
City Clerk.

But plaintiff avers that the said city clerk caused the said notice to be published without any other authority than such as was derived under the proceedings hereinbefore referred to; and plaintiff avers, upon information and belief, that the said proceedings did not confer upon the said city clerk any authority whatever to publish the said notice, or any authority for the holding of the said election, for the purpose therein mentioned, or any other purpose.

Eleventh—On the 2d day of November, 1892, a pretended election was held in the city of Los Angeles, whereat divers electors of said city voted upon the proposition to issue bonds to the amount mentioned in the said ordinances, and for the purposes therein specified; and at said election the whole number of votes cast for the issuance of said bonds was 4979; and the whole number of votes cast against the issuance of said bonds was 1195; and the said vote was returned to the council of the city of Los Angeles, and on the 7th day of November, 1892, the city council canvassed the said vote, and declared as the result of the said election that the proposition to issue the said bonds was accepted by two-thirds of the qualified electors of said city voting at said election; but plaintiff avers that there were at the time the said election was held 11,463 qualified electors of the city of Los Angeles.

Twelfth—That afterwards, to-wit: On the 28th day of November, 1892, said city council passed, and on the 1st day of December, 1892, the mayor of said city approved, an ordinance numbered 1497, new series, providing for the issuance of the bonds of said city of Los Angeles, in the amount of $526,000, to be used in the construction of a system of water works, to be owned by said city, of which said ordinance the following is a full, true and correct copy:

ORDINANCE NO. 1497.—NEW SERIES.

"An ordinance providing for the issuing of bonds of the city of Los Angeles in the amount of $526,000, to be used for the construction of a system of water works to be owned by the city."

"WHEREAS, Proper steps have heretofore been taken by the council of the city of Los Angeles, complying with all the requirements of the act of the legislature of March 19th, 1889, authorizing the incurring of an indebtedness by cities for public improvements; and,

"WHEREAS, The question of incurring an indebtedness of $526,000, and the issuing of bonds therefor for the construction of a system of water works to be owned by the city has been submitted to the qualified voters of said city at a special election, and more than two-thirds of the votes cast at such special election, having been in favor of incurring said indebtedness, and issuing said bonds; now, therefore,

"The mayor and council of the city of Los Angeles do ordain as follows:

"SECTION 1. That bonds of the city of "Los Angeles in the amount of $526,000 "be issued in accordance with the provi-"sions of the act of the legislature, ap-"proved March 19, 1889, and the charter "and ordinances of said city.

"SEC. 2. That said bonds shall be 526 "in number, serial in character, each for "the sum of $1000, all dated January 1, "1893, and shall bear interest, payable "semi-annually, at the rate of 5 per cent "per annum, on the 1st day of July and "the 1st day of January of each year, "both principal and interest payable in "gold coin of the United States at the "Chemical National bank of New York "city, N. Y. One twentieth part of the "principal shall be paid each year. Said "bonds shall be substantially in the "words and figures as follows, to-wit:

"No.....

"United States of America, State of Cal-"ifornia, City of Los Angeles.

"WATER WORKS IMPROVEMENT BOND.

"LOS ANGELES, January 1, 1893.

"$1000.

"On the.....day of....., A. D. "....., the city of Los Angeles will "pay to the bearer at the Chemical Na-"tional bank of New York city, New "York, the sum of one thousand dollars, "with interest thereon from date at the "rate of five per cent per annum, paya-"ble semi-annually on the 1st day of

hall, N. C. Bledsoe; ballot clerks, I. B. Newton, C. W. Innes.

Precinct B—All of the Third ward lying east of Flower street; voting place, new city hall; inspectors, H. S. West, M. Morris; judges, G. W. Burton, J. H. Armstrong; clerks, I. B. Dockweiler, O. W. Baldwin; ballot clerks, F. S. Munson, Henry B. Wilson.

FOURTH WARD.

Precinct A—All of the Fourth ward; voting place, Corner Pearl and Pico streets; inspectors, E. L. Crabbe, W.W. Phelps; judges, B. McClure, J. C. Hyde; clerks, J. A. Thomas, John Spiers; ballot clerks, Henry Gripp, D. Botiller.

FIFTH WARD.

Precinct A—All of the Fifth ward; voting place, Washington gardens, corner of Main and Washington streets; inspectors, J. W. Patillo, E. C. Hodgman; judges, Martin Forrest, Curtis L. Shumway; clerks, W. A. Field, A. A. Henry; ballot clerks, Frank W. Sabichi, Frank Harbert.

SIXTH WARD.

Precinct A—All of the Sixth ward. Voting place, No. 1616 South Main street; inspectors, D. R. Rozelle, Antonio Orfila; judges, George R. Weeks, John Weber; clerks, C. A. Baskerville, George Pessell; ballot clerks, F. W. Stine, J. T. Bearden.

SEVENTH WARD.

Precinct A—All of the Seventh ward. Voting place, southwest corner Fifth and Regent streets; inspectors, John Wilson, G. C. Briggs; judges, H. Richmond, S. H Henderson; clerks, W. F. Grosser, W. H. Walker; ballot clerks, W. R. Wilson, J. P. Caldwell,

EIGHTH WARD.

Precinct A—All of the Eighth ward lying north of Macy and Walters streets. Voting place, east side San Fernando street, between Main and Sotello streets; inspectors, J. A. Cline, M. C. Fordham; judges, A. E. Dixon, John Licet; clerks, Oscar Macy, Fred Colby; ballot clerks, Wm. Llewellyn, J. J. Carpenter.

Precinct B—All that portion of Eighth ward lying south of Macy and Walters streets. Voting place, hook and ladder building, Aliso street; inspectors, John Flood, Chas. Gerson; judges, Alfred Moore, James Bothwell; clerks, J. Fleishman, George Stevenson; ballot clerks, Fred Holbrook, W. G. Teckman.

NINTH WARD.

Precinct A—All of the Ninth ward; voting place, engine house, East Second street, near Boyle avenue. Inspectors, B. F. Brown, C. H. White; judges, C. M. Farmer, Charles E. Blake; clerks, W. W. Herbst, I. N. Cochran; bollot clerks, E. A. Humphrey, William Ruddy. FREEMAN G. TEED,
City Clerk.

But plaintiff avers that the said city clerk caused the said notice to be published without any other authority than such as was derived under the proceedings hereinbefore referred to; and plaintiff avers, upon information and belief, that the said proceedings did not confer upon the said city clerk any authority whatever to publish the said notice, or any authority for the holding of the said election, for the purpose therein mentioned, or any other purpose.

Eleventh—On the 2d day of November, 1892, a pretended election was held in the city of Los Angeles, whereat divers electors of said city voted upon the proposition to issue bonds to the amount mentioned in the said ordinances, and for the purposes therein specified; and at said election the whole number of votes cast for the issuance of said bonds was 4979; and the whole number of votes cast against the issuance of said bonds was 1195; and the said vote was returned to the council of the city of Los Angeles, and on the 7th day of November, 1892, the city council canvassed the said vote, and declared as the result of the said election that the proposition to issue the said bonds was accepted by two-thirds of the qualified electors of said city voting at said election; but plaintiff avers that there were at the time the said election was held 11,463 qualified electors of the city of Los Angeles.

Twelfth—That afterwards, to-wit: On the 28th day of November, 1892, said city council passed, and on the 1st day of December, 1892, the mayor of said city approved, an ordinance numbered 1497, new series, providing for the issuance of the bonds of said city of Los Angeles, in the amount of $526,000, to be used in the construction of a system of water works, to be owned by said city, of which said ordinance the following is a full, true and correct copy:

ORDINANCE NO. 1497.—NEW SERIES.

"An ordinance providing for the issuing of bonds of the city of Los Angeles in the amount of $526,000, to be used for the construction of a system of water works to be owned by the city."

"WHEREAS, Proper steps have heretofore been taken by the council of the city of Los Angeles, complying with all the requirements of the act of the legislature of March 19th, 1889, authorizing the incurring of an indebtedness by cities for public improvements; and,

"WHEREAS, The question of incurring an indebtedness of $526,000, and the issuing of bonds therefor for the construction of a system of water works to be owned by the city has been submitted to the qualified voters of said city at a special election, and more than two-thirds of the votes cast at such special election, having been in favor of incurring said indebtedness, and issuing said bonds; now, therefore,

"The mayor and council of the city of Los Angeles do ordain as follows:

"SECTION 1. That bonds of the city of "Los Angeles in the amount of $526,000 "be issued in accordance with the provi-"sions of the act of the legislature, ap-"proved March 19, 1889, and the charter "and ordinances of said city.

"SEC. 2. That said bonds shall be 526 "in number, serial in character, each for "the sum of $1000, all dated January 1, "1893, and shall bear interest, payable "semi-annually, at the rate of 5 per cent "per annum, on the 1st day of July and "the 1st day of January of each year, "both principal and interest payable in "gold coin of the United States at the "Chemical National bank of New York "city, N. Y. One twentieth part of the "principal shall be paid each year. Said "bonds shall be substantially in the "words and figures as follows, to-wit:

"No.....

"United States of America, State of Cal-"ifornia, City of Los Angeles.

"WATER WORKS IMPROVEMENT BOND.

"LOS ANGELES, January 1, 1893.

"$1000.

"On the.....day of....., A. D. "....., the city of Los Angeles will "pay to the bearer at the Chemical Na-"tional bank of New York city, New "York, the sum of one thousand dollars, "with interest thereon from date at the "rate of five per cent per annum, paya-"ble semi-annually on the 1st day of

WENDEL EASTON, President. GEO. W. FRINK, Vice President. GEO. EASTON, Secretary.

ANGLO-CALIFORNIAN BANK, Treasurer.

EASTON, ELDRIDGE & Co.
A CORPORATION
REAL ESTATE & GENERAL AUCTIONEERS

GRAND AUCTION SALE,

Wolfskill Tract,

TOMORROW

On the Grounds,

AT 1 O'CLOCK M.

DO NOT MISS THIS GRAND OPPORTUNITY!

MAPS AND CATALOGUES AT

LOS ANGELES LAND BUREAU, 207 South Broadway, J. L. BALLARD, Pres.

"sentation and surrender of the interest "coupon hereto attached. Principal "and interest payable in gold coin of the "United States.

"This bond is issued in pursuance of "the act of the legislature of the state "of California, approved March 19, 1889, "authorizing the incurring of indebted-"ness of cities for the construction of "public improvements, and also pursu-"ant to the charter and ordinances of "said city.

.....

"Mayor of the City of Los Angeles.

.....

"Treasurer of the City of Los Angeles.

"Countersigned by

.....

"City Clerk.

"The interest coupons shall be sub-"stantially as follows:

"$25. No. .....

"On the first day of .....A. D. ".....the City of Los Angeles "promises to pay to the bearer at the "Chemical National bank of New York "city, New York, the sum of twenty-five "dollars in gold coin of the United "States for semi-annual interest due on "water works improvement bond No. ".....

.....

"Treasurer of the City of Los Angeles.

"SECTION 3. The mayor and treasurer "are hereby authorized and directed to "sign said bonds and the city clerk "to countersign the same and "to affix the corporate seal of the "city thereto, and the treasurer is here-"by authorized and directed to sign the "interest coupons of said bonds. Said "bonds shall be delivered by the city "clerk to the city treasurer in such "amounts as the council may from "time to time determine.

"SEC. 4. The proceeds of the sale of "said bonds shall be placed in a fund to "be known as the water works improve-"ment fund.

"SEC. 5. There shall be levied for the "first year the sum of $52,600, for the "payment of the principal and interest "of said bonds, and for each succeeding "year a sum sufficient to pay the ac-"crued interest upon the remainder of "the sum due and one-twentieth part of "the principal.

"SEC. 6. The city clerk shall certify "to the passage of this ordinance and "cause it to be published once in the "Los Angeles Evening Express, and "thereupon and thereafter it shall take "effect and be in force.

"I hereby certify that the foregoing "ordinance was adopted by the council "of the city of Los Angeles at its meet-"ing of November 28th, 1892.

"FREEMAN G. TEED,
"City Clerk.

"Approved this 1st day of December, "1892. "HENRY T. HAZARD,
"Mayor."

And said ordinance was published in the Los Angeles Evening Express on the 2d day of December, 1892.

Thirteenth—That in accordance with the said ordinance last hereinbefore set forth, bonds were prepared under the order of the council of the city of Los Angeles to the amount of $526,000, and in 526 bonds of the denomination of $1000 each.

Fourteenth—That afterwards a notice, signed by the city clerk, ex-officio clerk of the council of the city of Los Angeles, was published in the Los Angeles HERALD, a newspaper published in the city of Los Angeles, inviting proposals for the purchase of the said pretended bonds of the city of Los Angeles, of which said notice the following is a copy:

"NOTICE INVITING PROPOSALS FOR THE "PURCHASE OF WATER IMPROVEMENT "BONDS OF THE CITY OF LOS ANGELES.

"Sealed proposals will be received by "the undersigned up to meeting of coun-"cil in the city of Los Angeles, to be "held Monday, May 22, 1893, at not "later than 10 o'clock a. m. of that day, "for the purchase of all or any portion "of 200 water improvement bonds of the "city of Los Angeles, 100 of which are "to be delivered and paid for within 10 "days from the date of the acceptance of "the bid, or as soon thereafter as the "bonds are ready for issuance, and 100 "to be delivered and paid for four "months from the date of the acceptance "of the bid, and for the purchase of all "or any portion of 526 water improve-"ment bonds of the city of Los Angeles, "(which number includes the 200 bonds "above mentioned), 200 to be de-

"the date of the acceptance of the bid, "200 to be delivered in six months and "126 to be delivered nine months from "the date of the acceptance of the bid.

"Said bonds are to be of the denom-"ination of $1000 each, drawing interest "at the rate of 5 per cent per annum, "interest payable semi-annually at the "Chemical National bank of New York, "and are to be issued under the provi-"sions and conditions of the act of the "legislature of the state of California, "approved March 19, 1889, entitled, "'An act authorizing the incurring of "indebtedness by cities, towns and mu-"nicipal corporations, etc.,' and also "under the provisions of ordinances No. "1436, 1451 and 1497, new series, of said "city, which said ordinances or copies "thereof may be seen at the office of the "undersigned.

"These bonds are all dated January 1, "1893, and are divided into 26 blocks of "20 bonds each, and one block of six "bonds, and beginning January 1, 1894, "one bond of each block will become "due and payable annually.

"Proposals will be received for the "entire issue or for one or more "blocks.

"No proposals for these bonds can be "entertained at less than their face "value and accrued interest.

"Proposals to be endorsed 'Proposals "for purchase of bonds.'

"Bonds will be ready for delivery "about June 1, 1893.

"Bonds will be delivered by the city "treasurer at his office in the city hall, "Los Angeles city.

"The council reserves the right to re-"ject any and all bids.

"By order of the council of the city of "Los Angeles at its meeting of April 17, "1893.

"C. A. LUCKENBACH,
"City clerk and ex-officia clerk of the "council of the city of Los Angeles."

And said notice was first published on the 21st day of April, 1893, and in pursuance thereof the said council of the city of Los Angeles intend, and unless restrained by this court will, on or after the 22d day of May, 1893, accept bids for the whole or any portion of the said bonds upon the terms mentioned in the said notice and will sell the same upon said terms and issue such bonds to the purchasers thereof.

Fitteenth—The plaintiff further avers that no other proceedings for the issue or sale of the said or any bonds for the purposes aforesaid, were ever had, done or taken by the said council of the city of Los Angeles, or the mayor, or any other officer or tribunal or by said municipality, than as herein set forth.

Sixteenth—And plaintiff further avers upon information and belief, that the said proceedings did not and do not authorize the said city of Los Angeles, or any officer, board or tribunal of the said municipality, to sell or to issue the said bonds, or any thereof.

Seventeenth—Plaintiff further avers upon information and belief, that there was no necessity for the construction of the system proposed in the plans and specifications referred to in the said proceedings of the council of the city of Los Angeles, and that the said proposed works did not and will not, if completed, constitute any system for the supply of the inhabitants of the city of Los Angeles, but the said so-called proposed system of water works was a plan for the construction of works for supplying a small portion of the city of Los Angeles and its inhabitants with water, and in opposition to a system already constructed and in full operation at the time of the passage of the said ordinance; and said system, if constructed, would not be used by the said city of Los Angeles for the supplying of the inhabitants of said city at any place, in competition with the said Los Angeles City Water company, by reason of the contract with said company hereinbefore set forth.

Eighteenth—And plaintiff further avers that said vote for the issuance of said bonds was mainly given by the electors in the portion of said city proposed to be supplied from the said works, and that such electors outside of the said locality as voted therefor, were induced to vote for the issuance of said bonds upon the misrepresentation by the public authorities of said city, that a large revenue could be derived by the city from water rates collected from consumers of water from the said works; whereas, in truth, as plaintiff is informed and believes, and therefore alleges, the said city of Los Angeles

tution or laws of the state of California to charge any rates or compensation whatever for furnishing water to the inhabitants of said city or any portion thereof.

Plaintiff further avers, upon information and belief, that the said legislative branch of the said municipal corporation—the City of Los Angeles—did not first have plans and estimates of the cost of such improvements made by a competent engineer or architect who had had successful experience in such work, before the question of incurring indebtedness for such improvement was submitted to a vote, nor had any such plans or estimates of the cost of any such improvements been made at any time, or at all, prior to the submission of the said question of incurring said indebtedness for said improvements to the electors of said city.

That after the publication of said notice inviting proposals for the purchase of said alleged bonds had been given, various parties desiring to purchase the same and having the means so to do, did duly make bids therefor as suggested and prescribed by said notice and in manner and form as therein designated and said bids have been opened and are now being considered by said council and by said defendants, and plaintiff upon information and belief avers that unless restrained by the order of this court said defendants will act affirmatively upon said bids and will sell and deliver said bonds to said bidders, to plaintiff's great and irreparable injury and damage.

That unless restrained by the order of this court said pretended bonds will, notwithstanding the defects and illegality thereof, as hereinbefore set forth, be sold by said city, and the effect of such issuance and sale will be to cause a large apparent indebtedness of said municipality and to depreciate all the property within the limits thereof, including the property of this plaintiff, to plaintiff's great and irreparable injury and damage.

Therefore, plaintiff prays for an order to the defendants to show cause why the defendants should not be enjoined from further proceedings for the sale or issuance of the said bonds, or of any of them, and that upon the return of said order a preliminary injunction, restraining the sale or issuance of said bonds or any of them, be granted, and that upon final hearing the said injunction be made perpetual, and for costs of suit and such other and further relief as may be just. STEPHEN M. WHITE,
and CHAPMAN & HENDRICK,
Attorneys for plaintiff.

STATE OF CALIFORNIA, } ss
County of Los Angeles, }

William Ferguson, being duly sworn says that he is the plaintiff in the above entitled action; that he has heard read the foregoing complaint and knows the contents thereof, and that the same is true of his own knowledge, except as to matters which are therein stated on information or belief, and as to those matters that he believes it to be true.

WILLIAM FERGUSON.

Subscribed and sworn to before me this 22d day of May,