tween the value of said lot in its entirety and its value as reduced in size by the appropriation of a part thereof to said public use. The expense of the improvement shall include the value of the land taken, with the improvements, if any, thereon, and the expense of the proceedings for its appropriation or condemnation.

Sec. 8. On the day named in said notice and upon such other days as the matter may be continued to, from time to time, the Board shall proceed to value the several parcels of land necessary to be taken for the purpose of the intended improvement. Such value shall be ascertained as of the time of said inquiry, independently of any appreciation or depreciation that may be caused to the same by reason of such intended improvement, and the Board shall fix such valuation as the amount to be given to the owners therefor. The Board shall also assess the benefits and damages which may result from the contemplated improvement of the lands within said district, and shall distribute the total value of all the lands and improvements taken, together with the damages, if any, caused by said improvement to the adjacent lands, and the estimated cost and expense of said improvement, in the form of an assessment upon each and every lot of land within the district determined to be affected by said improvement in proportion to the benefits which the Board shall determine will be received by said lots and lands.

Sec. 9. The meetings of the Board, when engaged in making said valuation and assessment, shall be public and held at the office of the Board, and all persons interested in such valuation and assessment shall have the right to be present and be heard in person or by counsel. All persons claiming any interest in the lands to be taken for said improvement, or that will be damaged thereby, are required at or during such hearing, to file with the Board, plats, and a description of their respective lots of land.

Sec. 10. In making said assessment and valuation the Commissioners shall act as a Board, and said assessment and valuation shall be authenticated by the signatures of said Commissioners, and every assessment and valuation so authenticated and recorded in the Book of Assessments for Condemnation shall be prima facie evidence of the correctness and regularity of all the proceedings of said Board and of the Supervisors prior to the date of such record.

Sec. 11. In determining the valuation of the property which is taken for said improvement the Board shall in its report set forth, under appropriate headings, a brief description of each lot thereof, the amount allowed for the same, the name of the owner of each lot, when known (and if unknown, that fact shall be stated), and the name of any claimant thereto, or to any interest therein; and in making the assessment for the expense of said improvement the Board shall set forth in the assessment, under appropriate headings, a brief description of each lot assessed, the amount assessed against the same, the person to whom said property was assessed upon the next preceding Assessment Book of the City and County, the owner thereof, if known (and if unknown, that fact shall be stated), and the total amount of the expense of said improvement.

Sec. 12. Upon the completion of said valuation and assessment, the Board shall cause to be published for ten days a notice of the completion of said assessment and valuation, notifying all parties therein to examine the same; and for that purpose said assessment, valuation and map shall be opened and exhibited to public inspection at the office of the Board for thirty days after the first publication of said notice. During said period of thirty days, but not thereafter, the Board may alter, change or modify said assessment. Upon the expiration of said thirty days it shall complete the same in the form of a report and schedule, embracing the value of the lands taken and the assessment of said value, together with the expense of the improvement, as hereinbefore provided, upon the several lots of land embraced within the aforesaid district. Said report and schedule shall, within sixty days after the first publication of the last mentioned notice, be filed in the office of the County Clerk, together with a petition signed by the President of said Board, to the Superior Court, praying for a judgment of said Court confirming the assessment contained therein against the respective lots therein described as assessed, and for the condemnation and conveyance to the City and County, upon the payment of the value thereof as ascertained by said report, of each of the lots of land alleged in said petition to be necessary to be taken for said improvement.

Sec. 13. On filing such petition, and upon application to said Court, the Presiding Judge thereof shall appoint some day, not less than ten nor more than thirty days thereafter, as the time when any objections to the confirmation of said report will be heard by said Court. The Clerk of said Court shall thereupon cause to be published for ten days in the official newspaper, a notice of the filing of said report and of the day assigned for the hearing of any objections that may be made thereto. Any party interested therein may at any time before the day assigned for the hearing thereof file in said Court his objections in writing to the confirmation of the same, specifying his objections; and all objections not specified shall be deemed waived. Upon the day fixed in said order said Court shall proceed to the hearing of any objections that may have been filed to the confirmation of said report. Upon proof of publication of said notice said Court shall have and take jurisdiction of said report and of the subject matter thereof as a special proceeding; and upon said day and at any other time or times to which said hearing may be adjourned may hear the allegations of the parties and proofs adduced in support of the same, and may confirm said report, or change, alter or modify the same, or cause the same to be changed, altered or modified by said Board. Said judgment of confirmation shall be a lien upon each lot of land described in said report for the amount assessed against the same, and shall provide for the conveyance to the City and County of each and every of the lots of land declared necessary for the purpose of said improvement, upon the payment of the value thereof as fixed by such judgment. Said lien shall remain in force until said assessment is paid or legally discharged.

Sec. 14. Any person who has filed objections to the confirmation of said report may appeal from said judgment to the Supreme Court at any time within thirty days after the entry of such judgment. The amount of the undertaking on such appeal shall be fixed by said Presiding Judge, and such undertaking shall be made payable to the City and County. For the purposes of such appeal the judgment roll of the proceedings in the Superior Court shall consist of the report, objections, judgment and bill of exceptions, or so much thereof as may be necessary to determine said appeal. If said judgment be reversed or modified the Superior Court shall take such proceedings as will cause said assessment and valuation to be made in accordance with the decision of the Supreme Court. The City Attorney shall act as the attorney for the Board of Public Works in proceedings under this Chapter.

Sec. 15. After the confirmation of said report, if the time for appealing has expired, or if an appeal has been taken and the judgment appealed from has been affirmed, upon the application of the Board of Public Works the Clerk of the Superior Court shall issue a certificate to that effect to said Board; and said assessment shall then be recorded in the Book of Assessments for Condemnation kept for that purpose, and the record thereof signed by the President and Secretary of said Board. The Secretary shall then deliver to the Tax Collector the assessment so confirmed and recorded, together with said certificate of said Clerk, and a warrant to the Tax Collector directing him to collect the said assessment. The Tax Collector shall, if any part of said assessment is not paid within twenty days after said assessment, certificate and warrant shall have been delivered to him, give notice in the official newspaper by ten days' publication therein that he will, on a day and time certain, to be not more than ten days after the expiration of said publication, sell such of the lots of land on which the assessment thereon remains unpaid, describing each of said lots so delinquent, together with the amount of the assessment and costs due on each, and shall include as part of said costs five per centum on the amount due on each assessment so delinquent, as and for the expenses of said sale. He shall thereupon sell such lots pursuant to such notice. Redemption may be made from such sale within the time and in the manner and on the terms as on sales made under execution as provided in the Code of Civil Procedure of this State. If any amount remain in the hands of the Tax Collector as a result of the collection of said assessment beyond that necessary to make the compensation provided for in the next succeeding section, and to pay the necessary expenses of said sale, such surplus shall be paid by him proportionately to those whose land has been sold as aforesaid.

Sec. 16. Upon the report of the Tax Collector to the Supervisors that the amount of said assessment has been collected and paid into the treasury, the Supervisors shall order to be paid out of the treasury the sums fixed in said judgment as the compensation for the lands to be taken for said improvement; and upon the delivery to the Treasurer by any person entitled to receive compensation for any lot of land so taken, of a conveyance of said lot of land to the City and County, approved by the City Attorney, and a certificate from the City Attorney that such person is entitled to the compensation for the lands described in said conveyance, the Treasurer shall pay to said person the amount awarded for said lot by said judgment of condemnation, after the demand therefor has been audited by the Auditor.

Sec. 17. If the owner of any of said lots or sub-divisions neglect or refuse for ten days to make and deliver such conveyance, or be unable by reason of incapacity to make a good and sufficient conveyance thereof to the City and County, or if the City Attorney shall certify that the title to any of said lots is in dispute or uncertain, or that there are conflicting claimants to the amount awarded as compensation therefor, or to any part thereof, a warrant upon the treasury for the payment of the amount so awarded shall be by order of the Supervisors drawn by the President and Secretary of the Board of Public Works, together with a certificate of the Treasurer indorsed thereon that the said warrant has been registered by him and that there are funds in the treasury set apart to pay the same, shall be deposited with the County Clerk; and thereupon, upon a petition to said presiding Judge by the President of the said Board, setting forth said facts, said Judge shall issue an order ex parte directing the Sheriff to place said Board in the possession of said land.

Sec. 18. At any time thereafter any claimant to said award, or any part thereof, may file his petition in said Superior Court against all parties in interest for an adjudication of all conflicting claims to the same, or for an order that the same be paid to him, and thereupon such proceedings shall be had thereon as may be agreeable to law and equity. Upon entry of final judgment in such proceeding, the County Clerk shall, after said demand has been audited by the Auditor, collect the warrant and pay the proceeds to the person or persons named in said judgment as entitled thereto. It shall be provided in said judgment that before receiving the proceeds of said warrant said party, or some one authorized in his behalf, shall make and execute to said City and County and deliver to the County Clerk a sufficient conveyance of said lot of land. Immediately after taking possession of the land required for said street, the Board shall report that fact to the Supervisors.

Sec. 19. If any member of the Board be interested in any of the land to be taken or assessed for such improvement, the Mayor shall appoint, for the purpose of making the said assessment and valuation only, some competent person to act as one of the Commissioners therefor, who shall possess the same qualifications as are provided for said Commissioners, and who, before entering upon his duties, shall take the oath of office required of said Commissioners, and enter into a bond for such amount as may be fixed by the Supervisors.

Sec. 20. The Supervisors may, on the written recommendation of the Board of Public Works, change the grade of any street or street crossing in the manner and to the grade set out in such recommendation; but no grade shall be changed unless the same proceedings are taken by way of providing compensation to those who may suffer damage by such change of grade, so far as such proceedings may be applicable, as are hereinbefore provided in the matter of opening, straightening, widening and extending streets; and where such proceedings are not applicable they may be supplemented by ordinance of the Supervisors.

CHAPTER IV.

Sewers and Drainage.

SECTION 1. The Board of Public Works shall devise a general system of drainage, which shall embrace all matters relative to the thorough, systematic and effectual drainage of the City and County, and shall from time to time make to the Supervisors such recommendations upon the subject of sewerage and drainage as it may deem proper.

Sec. 2. The Board shall prescribe the location, form and material to be used in the construction, reconstruction and repairing of all public sewers, manholes, sinks, drains, cesspools, and all other appurtenances belonging to the drainage system, and of every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection.

Sec. 3. The Board shall recommend to the Supervisors rules and regulations concerning the public and private sewers and drains in the City and County, and upon recommendation of said Board, the Supervisors are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

Sec. 4. No person shall connect with, or open or penetrate any, public sewer or drain without first obtaining a permit in writing from said Board, and complying with the rules and regulations of the Board in reference thereto.

Sec. 5. The Board may also recommend to the Supervisors the construction of such canals, sewers, tunnels, ditches, drains, embankments, reservoirs, pumping works, machinery and other works necessary for the proper and effectual drainage of the City and County, together with plans for connecting the same with sewers and private drains already constructed or thereafter to be constructed.

Sec. 6. The Supervisors may, upon the recommendation of the Board of Public Works, by ordinance passed by not less than fourteen affirmative votes, authorize the purchase of any personal property or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this Chapter.

Sec. 7. The Board may, with the like approval of the Supervisors, agree with the owners of any real estate, upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owners for the purpose of such improvement and for the perpetual use of said real estate for said purpose.

Sec. 8. The Board may, when authorized by ordinance of the Supervisors passed by not less than fourteeen affirmative votes, construct such sewers, reservoirs and pumping works as may be necessary to carry out the general system of sewerage for the City and County.

Sec. 9. When, upon the recommendation of the Board of Public Works, the Supervisors shall determine upon any improvement for the purpose of sewerage and drainage which necessitates the acquisition or condemnation of private property, and the Board is unable to agree with the owner thereof, upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which the Board shall deem it most expedient, it shall, when authorized by the Supervisors expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as may be applicable, which is provided in this Article for the condemnation of real estate when necessary for the opening of any new street.

CHAPTER V.

Harbors and Wharves.

SECTION 1. All the Wharves, Water Front and Harbor of San Francisco which now belong or may hereafter belong to the City and County, or over which it may at any time lawfully exercise jurisdiction and control, shall be under the management and control of the Supervisors. All said wharves shall be built and repaired by the Board of Public Works, after proceedings had as provided in this Article for the improvement or repair of public buildings.

Sec. 2. The Supervisors shall by ordinance fix and regulate the tolls for wharfage and dockage, and shall provide for the collection of the same, except where the wharves are under the jurisdiction of the Board of State Harbor Commissioners, or may provide that no charges, tolls, dockage or wharfage be imposed or collected. The Supervisors shall not have power to dispose of any wharf, but they may lease any wharf for a term not exceeding two years.

ARTICLE VII.

PUBLIC SCHOOLS AND LIBRARIES.

CHAPTER I.

The Board of Education.

SECTION 1. The School Department shall be under the control and management of a Board of Education composed of four School Directors, who shall be appointed by the Mayor, and who shall give their entire time to the duties of their office. They shall each receive an annual salary of three thousand dollars. They shall not be less than thirty years of age and must have been residents of the City and County for at least five years prior to their appointment. The Board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the Directors shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

Sec. 2. The Board shall organize by electing one of its number President, who shall serve for one year and until his successor is elected. The Board may elect a Secretary who shall not be a member of the Board, and who shall receive an annual salary of eighteen hundred dollars.

Sec. 3. The Board shall meet at least once a week and at such other times as it may determine. It shall establish rules for its proceedings; but the concurrent vote of the majority of its members shall be necessary to transact business. In every instance where a power is exercised under this Article by the Board the vote thereon shall be taken by ayes and noes and entered in the minutes of the Board.

CHAPTER II.

Schools.

SECTION 1. The School Department shall comprise all the public schools of the City and County and shall include primary and grammar schools and may include evening, deportment, technical, cosmopolitan, high and normal schools.

Sec. 2. Adults shall be entitled to free instruction in the evening schools; but no child under fourteen years of age shall be admitted to such schools.

CHAPTER III.

Powers of the Board of Education.

SECTION 1. In addition to the powers conferred by the general laws of the State, the Board of Education shall have power:

1. To establish and maintain public schools as provided in this Article, and to change, modify, consolidate or discontinue the same as the public welfare may require.

2. To employ such teachers and persons as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient cause the whole or any part of the wages, salary or compensation of any person or persons employed as aforesaid; and to promote, transfer and dismiss teachers; but no teacher in the department at the time of the adoption of this Charter, or who shall be hereafter appointed, shall be dismissed from the department, except for insubordination, immoral or unprofessional conduct, or evident unfitness for teaching. All promotions of teachers shall be based solely on merit and successful teaching. Nothing in this section shall be construed to prevent the Board from removing teachers holding only special certificates or serving a probationary term. Charges against teachers must be formally made by the Superintendent after due investigation, and shall be finally passed upon by the Board after giving the accused teacher due hearing.

3. To grant, to renew and, for the causes mentioned in section one, subdivision two, of this Chapter, to revoke, teachers' certificates.

4. To establish and enforce all necessary rules and regulations for the government and efficiency of the schools and for carrying into effect the school system; to remedy truancy; to compel the attendance at school of children between the ages of six and fourteen years who may be found idle in public places during school hours.

5. To investigate charges against any person connected with or in the employ of the School Department, and to take testimony in such investigations.

6. To receive, to take on lease and to hold in trust for the City and County any real estate belonging to or claimed by the School Department. To hold in trust all personal property that may have been or may hereafter be acquired by the School Department.

7. On or before the first day in April in each year, to appoint School Census Marshals, and notify the Superintendent of Common Schools of such appointments. Any Census Marshal found incompetent may be discharged by the Superintendent of Common Schools. Should the Board fail or neglect to fill the vacancy so caused within three days thereafter by the appointment of a person competent to perform the duties of Census Marshal, such vacancy may be filled by the Superintendent of Common Schools.

8. To sue in the name of the City and County for lots, lands and property belonging to or claimed by the School Department. To prosecute and defend all actions at law or special proceedings or suits in equity concerning the enjoyment and possession of such lots, lands and property. To require the services of the City Attorney in all actions, suits and proceedings by or against the Board of Education.

9. To establish regulations for the disbursement of all moneys belonging to the School Department or to the Common School Fund, and to secure strict accountability in the expenditure thereof; to provide for the prompt payment, on not later than the fifth day of every month, of all salaries due and allowed officers, teachers and other employees of the School Department. For this purpose the Auditor shall annually segregate so much of the Common School Fund as shall not exceed twenty-eight dollars for each pupil in average daily attendance in the Public Schools of the City and County during the preceding fiscal year. The amount so segregated shall not be applied to the payment of any demand against such Common School Fund during any fiscal year other than for salaries, until all salaries for that fiscal year have been fully paid or provided for. The Board shall ascertain and transmit to the Auditor on or before the first Monday in April of each year an estimate of the amount required for such segregation within such limit of twenty-eight dollars.

10. All demands payable out of the Common School Fund shall be filed with the Secretary of the Board of Education, and after they have been approved by the Board, they shall be signed by the President of the Board and the Superintendent and sent to the Auditor. Every demand shall have endorsed upon it a certificate, signed by the Secretary, of its approval by the Board of Education, showing the date thereof, and the law authorizing it by title, date and section. Every person in the employ of the School Department entitled to a salary therefrom shall receive a warrant for the amount due and approved by the Board, signed by the President and Secretary thereof. The entire monthly salary roll of the Department shall be made up by the Secretary of the Board, and after being duly audited by the Finance Committee thereof and approved by a majority of all the members of the Board, shall be endorsed in the same manner as other demands. The salary roll so audited, approved and endorsed, shall be immediately transmitted to the Auditor not later than the third day of every month for comparison with the individual salary warrants issued in the manner above provided; but payments shall be made only on the individual warrants issued in accordance herewith.

11. To lease to the highest responsible bidder, for the benefit of the Common School Fund, for a term not exceeding twenty years, any real property of the School Department not required for school purposes; but no lease shall be made except after advertisement for bids for at least fifteen days in the official newspaper and by an affirmative vote of at least three members of the Board approved by an ordinance of the Supervisors.

12. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose or school library; to carry into effect the terms of any bequest not in conflict with the general laws or this Charter; and to sell such personal property as shall no longer be required for use in the schools. All moneys realized by such sales shall be at once paid into the treasury to the credit of the Common School Fund.

Sec. 2. The Board shall annually, before the first day of May, make a list of supplies estimated to be required by the School Department for the ensuing fiscal year, stating in clear and explicit terms the quantity and kind of articles needed and how and when they shall be delivered, and shall invite proposals for furnishing the same by advertising therefor for at least ten days in the official newspaper.

The provisions of Article II, Chapter III, of this Charter, in regard to the advertising for proposals, the affidavit and security accompanying the same, the presentation and opening of proposals, the awarding of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for furnishing supplies to the School Department. Any contract made in violation of any provision of this Article shall be void.

Sec. 3. The Board shall, during each year, transmit to the Supervisors a report in writing for the preceding fiscal year, stating the number of schools within its jurisdiction, the length of time they have been kept open, the number of pupils taught in each school, the average daily attendance of pupils in all the public schools, the number, names and salaries of teachers, the dates of their appointments and the character of the certificates held by them, the amount of money drawn from the treasury by the Department during the year, distinguishing the State fund from all others, the purpose for which such money has been expended, with particulars, and such other information as may be required by the State Superintendent, the Supervisors or the Mayor.

Sec. 4. The Board shall, between the first and twenty-first days of May of each year, adopt a schedule of salaries for the next ensuing fiscal year for teachers and all employees of the School Department.

CHAPTER IV.

Superintendent of Schools.

SECTION 1. The Superintendent of Common Schools of the City and County shall be by virtue of his office a member of the Board of Education, without the right to vote. He shall receive an annual salary of four thousand dollars.

Sec. 2. The Superintendent shall appoint four Deputy Superintendents. The number of such deputies shall not be increased until the average daily attendance shall have reached forty-five thousand, when the Superintendent shall appoint one additional deputy, and thereafter he shall appoint one deputy for each additional eight thousand children in average daily attendance. If from any cause a vacancy occurs in the office of Deputy Superintendent, such vacancy shall be filled by the Superintendent.

Sec. 3. Of the Deputy Superintendents first appointed, the Superintendent shall appoint two for two years and two for four years. All Deputy Superintendents subsequently appointed shall hold office for four years.

Sec. 4. Such deputies must have had at least ten years' successful experience as teachers, and shall have been residents of the City and County at least five years preceding their appointment.

Sec. 5. In addition to the duties imposed by the general laws of the State, it shall be the duty of the Superintendent:

1. To observe and enforce all rules and regulations of the Board of Education and to see that no religious or sectarian books or teachings are allowed in the schools.

2. To report to the Board of Education annually, on or before the twentieth day of August, and at such other times as the Board may require, all matters pertaining to the condition and progress of the public schools of the City and County during the fiscal year, with such recommendations as he may deem proper.

3. To inform the Board of the condition of the schools, schoolhouses and of other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the City and County, and for the care and improvement of the property of the School Department.

4. To visit and examine with the assistance of his deputies all the schools at least twice a year and determine their standing and classification. To recommend rules for the promotion of pupils from grade to grade, from school to school, and for the transfer and the graduation of pupils.

5. To recommend to the Board the courses of studies; the text-books and books for supplementary use in the public schools and the purchase of such apparatus, books, stationery and other class-room supplies as may be required in the schools.

6. To report to the Board once a month upon the standing of schools examined by him and his deputies.

Sec. 6. The Superintendent and his deputies shall constitute the City Board of Examination, and shall have power:

1. To examine applicants, and to prescribe a standard of proficiency, which will entitle the person examined to receive:

a. A high school certificate, valid for six years, which shall authorize the holder to teach any primary, grammar, or high school in the City and County.

b. A City certificate, grammar grade, valid for six years, which shall authorize the holder to teach any primary or grammar school in the City and County.

c. A City certificate, primary grade, valid for two years, which shall authorize the holder to teach any primary school in the City and County. They shall report the result of the examination to the Board of Education, and the Board shall thereupon issue to the successful candidates the certificates to which they shall be entitled.

2. To recommend applicants for special certificates valid for a period not to exceed six years, upon such special studies as may be authorized by the Board of Education.

3. For immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the Board of Education the revocation of any certificates previously granted by the Board.

4. To recommend the granting of City certificates and the renewal thereof, in the manner provided for the granting and renewal of County certificates by County Boards of Education in section seventeen hundred and seventy-five of the Political Code.

CHAPTER V.

School Tax Levy.

SECTION 1. The Board of Education shall, on or before the first Monday of April in each year, report to the Supervisors an estimate of the amount which shall be required during the ensuing fiscal year for the purpose of meeting the current annual expenses of public instruction in the City and County, specifying the amount required for supplies to be furnished pupils, including text books for indigent children; for purchasing and procuring sites; for leasing rooms or erecting buildings; for furnishing, fitting up, altering, enlarging and repairing buildings; for the support of schools organized since the last annual apportionment; for the salary of the School Directors, Superintendent, Deputy Superintendents, and all other persons employed in the School Department, and for other expenditures necessary for the administration of the Public School System; but the aggregate amount so reported for any one year shall not exceed the sum of thirty-two dollars and fifty cents for each pupil, who in the fiscal year immediately prior thereto actually attended the schools entitled to participate in the apportionment thereof.

Sec. 2. The Supervisors at the time and in the manner of levying and collecting other city and county taxes shall levy and cause to be collected for the Common School Fund a tax which, added to the regular revenue derived from other sources, shall produce an amount of money which shall not exceed thirty-two dollars and fifty cents for each pupil in attendance during the preceding fiscal year, as ascertained and reported by the Board of Education.

Sec. 3. In case of extreme emergency or great calamity, such as disaster from fire, riot, earthquake or public enemy, the Board of Education may, with the approval of the Mayor and Supervisors, incur extraordinary expenditures in excess of the annual limit provided for in this Charter, for the repair and construction and furnishing of school houses in place of those so injured or destroyed. The Supervisors may, by ordinance, cause to be transferred to the Common School Fund, from moneys in any fund not otherwise appropriated, sufficient money to liquidate such expenditures, and provide for the same in the next tax levy of the City and County.

CHAPTER VI.

School Houses and Lots.

SECTION 1. When any locality in the City and County is unprovided with sufficient school accommodations, the Board of Education may, by resolution, make a requisition upon the Board of Public Works for plans and specifications and estimates for a new school house, specifying the number of class rooms needed, the location of the proposed school house, the date on which it should be completed, the amount of money in the School Fund available for the purpose, and such other information as will enable the Board of Public Works to prepare the necessary plans, specifications and estimates of cost for such school house.

If such plans, specifications and estimates are approved by the Board of Education, they shall be endorsed "Approved," with the date of such approval, by the President and Secretary thereof, and returned to the Board of Public Works, which shall proceed without delay to have such school house constructed and completed in accordance therewith.

When such school house is completed, the Board of Public Works shall notify the Board of Education to examine the same, and if it has been built in accordance with the plans and specifications and within the estimated cost thereof, the Board of Education shall accept and take possession of it.

Sec. 2. When any school house, building, fence or other property belonging to, or connected with, or under the control of, the Board of Education, needs repairing, altering or improving, the Board shall notify the Board of Public Works, specifying in general terms the work to be done. The Board of Public Works shall cause the same to be done forthwith, if the cost thereof shall not exceed two hundred and fifty dollars; otherwise the Board of Public Works shall submit plans, specifications and estimates of cost to the Board of Education for its approval, and if approved as provided in section one of this Chapter, the Board of Public Works shall cause the same to be done, and if done in accordance with the plans and specifications, and within such estimate, the same shall be accepted and shall be paid for out of the Common School Fund.

Sec. 3. When it is necessary to purchase a lot for the use of the School Department, the price paid for such lot shall not exceed the market value of adjacent property of equal size and similarly situated. Any school building hereafter constructed shall have a clear space of at least ten feet around the same.

CHAPTER VII.

Public Library and Reading Rooms.

SECTION 1. The Public Library and Reading Rooms of the City and County shall be under the management of a Board of twelve Trustees, one of whom shall be the Mayor of the City and County, who shall be a member of the Board by virtue of his office. The Board of Trustees of said Library and Reading Rooms in office at the time this Charter shall take effect shall continue to constitute the Board of Trustees of said Public Library and Reading Rooms; and all vacancies therein shall be filled by said Board. None of said Trustees shall receive any compensation for his services.

Sec. 2. The Supervisors shall, for the purpose of maintaining such Library and Reading Rooms and such branches thereof as the Board of Library Trustees may from time to time establish, and for purchasing books, journals and periodicals, and for purchasing or leasing real and personal property, and for constructing such buildings as may be necessary, annually levy a tax on all property in the City and County not exempt from taxation which shall not be less than one and one-half cents nor more than two and one-half cents upon each one hundred dollars assessed valuation of said property. The proceeds of said tax shall be credited to the Library Fund.

Sec. 3. All revenue from such tax, together with all money or property derived by gift, devise, bequest or otherwise, for the purpose of the Library, shall be paid into the treasury and be designated as the Library Fund and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the Board shall provide for the safety and preservation of the same and the application thereof to the use of the Library and Reading Rooms, in accordance with the terms and conditions of such gift, devise or bequest.

Sec. 4. The title to all property, real and personal now owned or hereafter acquired by purchase, gift, devise, bequest or otherwise, for the purpose of the Library and Reading Rooms, when not inconsistent with the terms of its acquisition, shall vest in the City and County, and in the name of the City and County may be sued for and defended by action at law or otherwise.

Sec. 5. The Board shall take charge of the Public Library and Reading Rooms, and the branches thereof, and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the gift, devise or bequest. It shall meet for business purposes at least once a month, and at such other times as it may appoint in a place to be provided for the purpose. A majority of the Board shall constitute a quorum for the transaction of business. It shall elect one of its number President, who shall serve for one year and until his successor is elected, and shall elect a Librarian and Secretary and such assistants as may be necessary. The Secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

Sec. 6. The Board, by a majority vote of all its members to be recorded in its minutes with the ayes and noes, shall have power:

1. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the Library and Reading Rooms and branches thereof, and all property belonging thereto, or that may be loaned thereto.

2. To administer any trust declared or created for such Library and Reading Rooms and branches thereof, and provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto.

3. To define the powers and prescribe the duties of all officers; determine the number of and elect all necessary subordinate officers and assistants, and for good and sufficient cause to remove any officer or assistant.

4. To purchase books, journals, publications and other personal property.

5. To order the drawing and payment upon vouchers, certified by the President and Secretary, of money from the Library Fund for any liability or authorized expenditure.

6. To fix the salaries of the Librarian and Secretary and their assistants; and, with the approval of the Supervisors, expressed by ordinance, to erect and equip such building or buildings, room or rooms, as may be necessary for the Library and Reading Rooms and branches thereof.

7. To establish such branches of the Library and Reading Rooms as the growth of the City and County may from time to time demand.

Sec. 8. The Supervisors shall have power to appropriate and authorize the use, either in whole or in part, of any real estate belonging to the City and County, for the purpose of erecting and maintaining a building or buildings thereon to be used for the Library and Reading Rooms, or branches thereof, and may appropriate the whole or any portion of any public building belonging to the City and County for such use.

ARTICLE VIII.

POLICE DEPARTMENT.

CHAPTER I.

Organization.

SECTION 1. The Police Department shall consist of a Board of Police Commissioners, a Chief of Police, a Police Force, and of such clerks and employes as shall be necessary to carry into effect the provisions of this Article.

Sec. 2. All members of the Police Department shall hold office during good behavior, subject to the provisions hereinafter set forth relating to promotions, suspensions, dismissals and disratements.

Sec. 3. No person shall become a member of the Department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the City and County for at least five years next preceding his appointment. Every appointee to the Department shall not be less than twenty-one nor more than thirty-five years of age, must possess the physical qualifications required for recruits of the United States Army, and before his appointment must pass a satisfactory medical examination under such rules and regulations as may be prescribed by the Board of Police Commissioners. In making appointments of members of the Department, the Board shall never regard the political or religious preferences or affiliations of any candidate.

CHAPTER II.

Police Commissioners.

SECTION 1. The Police Department shall be under the management of a Board of Police Commissioners consisting of four members who shall be appointed by the Mayor, and each of whom shall receive an annual salary of twelve hundred dollars. No person shall be appointed such Commissioner who shall not have been an elector of the City and County for at least five years next preceding his appointment.

Sec. 2. The Board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the Commissioners shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

Sec. 3. The Commissioners shall be successors in office of the Police Commissioners holding office in the City and County at the time this Charter shall go into effect by virtue of appointment under any statute or law of this State.

Sec. 4. The Police Commissioners shall organize by electing one of their number President, who shall hold such office for one year. The Board shall appoint a Secretary, who shall receive an annual salary of fifteen hundred dollars. The sessions of the Board shall be public, except that executive sessions may be held whenever deemed proper by the Board. The Board shall meet at least once a week in the rooms of the Police Department, or in case of public emergency at such place as the Board may select. The Secretary must keep minutes of its proceedings; and in every case where a power is exercised by the Board under this Article the ayes and noes thereon shall be entered therein.

CHAPTER III.

Powers of the Board.

SECTION 1. The Board of Police Commissioners shall have power:

1. To appoint, promote, suspend, disrate or dismiss any member of the Department in the manner hereinafter provided.

2. To prescribe rules and regulations for the government, discipline, equipment and uniform of the Department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any of such rules and regulations. All such rules and regulations must be reasonable.

3. To grant permits to any person desiring to engage in the sale of liquor in less quantity than one quart, and to grant permits to any person engaged in the business of selling liquor to be drunk on the premises, and to revoke any such permit when it shall appear to the Board that the business of the person to whom such permit was given is conducted in a disorderly or improper manner. Without such permit none of such persons shall engage in the business of selling liquor. If the Board refuse to grant such permit, or propose to revoke any permit that has been granted, the person who is refused such permit or whose permit it is proposed to revoke, shall be entitled to be heard before the Board in person, or through counsel, and to have, free of charge, all reasonable facilities at the hearing. Such permits shall not be granted for more than three months at one time, and they shall distinctly state the name of the person to whom the same is given, and the description of the premises where such business is to be carried on. Such permits shall at all times be subject to inspection by any member of the Department. Complaints to revoke permits granted by the Board must be in writing, signed by the person making the same and filed with the Secretary of the Board; and a copy thereof certified by the Secretary must be served upon the party complained against at least five days before the time set for the hearing of the complaint.

4. At its discretion, upon the petition of any person, firm or corporation, to appoint, and at pleasure to remove, special police officers. Such officers shall be subject to all the rules and regulations of the Board.

5. To provide for the care, restitution or sale at annual public auction of all unclaimed property that may come into the possession of the Property Clerk, and to direct the destruction of such property as shall consist of implements, weapons, property or any other article, matter or thing used in the commission of crime.

6. To appoint Police Matrons for the care of female prisoners and to provide rules and regulations for the government of the same.

7. To appoint a Police Surgeon who shall receive an annual salary of fifteen hundred dollars.

Sec. 2. The President may convene the Board for special meetings. The Secretary of the Board shall be the official custodian of all records and official documents of the Board.

CHAPTER IV.

The Chief of Police.

SECTION 1. The Chief of Police shall be appointed by the Board of Police Commissioners and hold office for the term of four years. He shall receive an annual salary of four thousand dollars. He shall have control, management and direction of all members of the Department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to suspend temporarily any member of the Department. In all cases of such suspension, he shall immediately report the same to the Board with the reasons therefor in writing. He shall maintain and enforce law and rigid discipline so as to secure complete efficiency of the Department. He shall, subject to the directions and orders of the Commissioners, have control of such of the prisons of the City and County as are not by the general law under the control of the Sheriff.

Sec. 2. In the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authority, the Chief of Police shall, in the lawful exercise of his functions, have all the powers that are now or may be conferred on Sheriffs by the laws of the State.

Sec. 3. The Chief of Police shall be the chief executive officer of the Department. He shall be chargeable with and responsible for the execution of all laws and ordinances and the rules and regulations of the Department. He shall see that the orders and process issued by the Police Court and such other orders and process as may be placed in his hands are promptly executed, and shall exercise such other powers connected with his office as may be provided for in the general rules and regulations of the Commissioners.

Sec. 4. The Chief of Police shall keep a public office in which he shall have the Statutes of this State and of the United States, and all necessary works on criminal law. In case of his temporary absence some competent member of the Department, by him designated for that purpose, shall be in attendance at all hours of the day and night; and in such case he shall make known to such member of the Department where he can be found.

Sec. 5. The Chief of Police shall detail one or more of the members of the Department to attend constantly on the Police Court and to execute its orders and process. He shall detail at his pleasure members of the Department to act as his Chief Clerk, Assistant Clerks, Prison Keepers and Property Clerk. Said Chief Clerk and said Property Clerk shall each receive an annual salary of twenty-four hundred dollars.

Sec. 6. The Chief of Police may from time to time disburse such sums for contingent expenses of the Department, as in his judgment shall be for the best interest of the City and County, to be paid out of the contingent fund allowed the Department. The aggregate of all such sums shall not in any one fiscal year exceed the sum of ten thousand dollars. Provision shall be made by the Supervisors for such contingent fund in the annual tax levy. The Commissioners shall allow and order paid out of such contingent fund as contingent expenses of the Police Department, upon orders signed by the Chief of Police, such amounts as may be required.

Sec. 7. The Chief of Police shall possess powers of general police inspection, supervision and control, over all pawnbrokers, peddlers, junk-shop keepers, dealers in second-hand merchandise, auctioneers and intelligence office keepers. All persons engaged in said callings must first procure permits from the Commissioners. In the exercise of such power the Chief may by authority in writing from time to time empower members of the Police Department, when in search of property feloniously obtained or in search of suspected offenders, or in search of evidence to convict any person charged with crime, to examine the books and the premises of any such person. Any such member of the Police Department, when thereunto empowered in writing by the Chief of Police, may examine property alleged to have been pawned, pledged, deposited, lost, strayed or stolen.

CHAPTER V.

Subordinate Officers.

SECTION 1. Subordinate officers of