

*Compliments of
S. J. Ayers
March 1884*



COMPENDIUM
OF THE
CODES AND STATUTES
RELATING TO
STATE PRISONS AND PRISONERS,
COMPILED FROM THE
CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF CALIFORNIA,
THE CODES, AND STATUTES IN FORCE; WITH AN OPINION OF THE
ATTORNEY-GENERAL ON THE SUBJECT OF CREDITS TO
SECOND-TERM CONVICTS, AND A DECISION OF THE
SUPREME COURT ON CONDITIONAL PARDONS.

JANUARY 1ST, 1884.



SACRAMENTO:
STATE OFFICE JAMES J. AYERS, SUPT. STATE PRINTING.
1884.



Chas. Jones

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S. M. M. M. M.*

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WARDEN'S OFFICE, STATE PRISON AT FOLSOM, }
January 1, 1884. }

The sections of the Constitution of California concerning the State Prisons and convict labor, in conjunction with the statutes and sections of the Codes now in force, are grouped in this compilation to save the labor of searching the several volumes containing the numerous sections, at the same time the later enactments are presented in place of the sections repealed or amended.

An attempt has been made to tabulate the punishments provided by law for crimes committed, with the increased terms for second convictions. Another table gives the "copper," or possible abatement of term of sentence by continued good behavior.

The opinion of the Attorney-General on credits for good behavior to be given to convicts serving a second term of imprisonment was given by Hon. A. L. Hart, after a partial decision of the question by Hon. Robert Clark, Superior Judge of Sacramento County.

The question of conditional pardons has for the first time been brought before the Courts in this State. The elaborate opinion given by Hon. J. W. Armstrong, Superior Judge of Sacramento County, *In Re Marks, on Habeas Corpus*, was confirmed by the Supreme Court, where the same case was taken on a similar writ, and tried as an original case. Both opinions are given, for the information of all prison officials.

JOHN McCOMB,
Warden State Prison at Folsom.

STATE BOARD OF PRISON DIRECTORS.

JOHN BOGGS, President.....Princeton, Colusa County
W. C. HENDRICKS.....Oroville, Butte County
D. W. GELWICKS.....Oakland, Alameda County
W. C. VAN FLEET.....Sacramento, Sacramento County
CHARLES F. ROBBINS.....San Francisco

STATE PRISON AT SAN QUENTIN.

PAUL SHIRLEY.....Warden
G. G. CRANDALL.....Clerk

STATE PRISON AT FOLSOM.

JOHN McCOMB.....Warden
JOHN M. MINER.....Clerk
BENJAMIN CHAMBERS.....Captain of the Guard
J. E. LYNCH.....Lieutenant of the Guard
J. R. MOORE.....Turnkey
FRANK POWELL.....Chief of Night Watch
FENWICK FISHER.....Lieutenant of Night Watch
DR. F. C. DURANT.....Visiting Physician
JOHN McCOMB, Jr.....Commissary
JAMES B. GAULEY.....Moral Instructor
R. J. MURPHY.....Ambulance Driver
EZRA KNAPP.....Foreman of Quarry
J. H. HENDRICKS.....Foreman of Farm

Guards.

SAMUEL BENNETT,	THOMAS CURTIN,	J. P. FORTUNE,
JOHN MORAN,	W. J. ARNELL,	T. J. STURGEON,
FRED. ROHRER,	R. S. BUGG,	MATT. J. CORCORAN,
J. L. JACK,	U. VAN WAGNER,	JOHN KELLY,
R. SNYDER,	JAMISON M. GRANTHAM,	A. WOOD,
JOHN PULLER,	JULES P. COLLA,	DAVID S. TAYLOR,
TERRENCE BEIRNES,	D. O'CONNOR,	JAMES B. PEACHY,
JOHN H. VANDERBILT.	THOMAS F. GREANEY,	JOHN SCULLY.

EXTRACTS FROM THE UNITED STATES CONSTITUTION.

ARTICLE III.

SEC. 2. * * * The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

ARTICLE IV.

SEC. 2. The citizen of each State shall be entitled to all privileges and immunities of citizens in the several States.

ARTICLE V.—[AMENDMENT.]

Criminal Proceedings.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[Amendment proposed twenty-fifth September, 1789; ratified fifteenth December, 1791.]

ARTICLE XIV.—[AMENDMENT.]

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

EXTRACTS FROM THE CONSTITUTION OF CALIFORNIA.

ARTICLE I.—*Declaration of Rights.*

SEC. 8. Offenses heretofore required to be prosecuted by indictment, shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A Grand Jury shall be drawn and summoned at least once a year in each county.

SEC. 13. In criminal prosecutions, in any Court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the Court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

ARTICLE X.—*State Institutions and Public Buildings.*

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy, occurring before the expiration of a term, shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the Directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

SEC. 2. The Board of Directors shall have the charge and superintendence of the State Prisons, and shall possess such powers, and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

SEC. 3. The Board shall appoint the Warden and Clerk, and determine the other necessary officers of the prisons. The Board shall have power to remove the Wardens and Clerks for misconduct, incompetency, or neglect of duty. All other officers and employes of the prisons shall be appointed by the Warden thereof, and be removed at his pleasure.

SEC. 4. The members of the Board shall receive no compensation

other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the Board, Wardens, and Clerks, and to carry into effect the provisions of this article.

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

ARTICLE VII.—*Pardoning Power.*

SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

ARTICLE XIX.—*Chinese.*

SEC. 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

ARTICLE XX.—*Miscellaneous Subjects.*

SEC. 17. Eight hours shall constitute a legal day's work on all public work.

POLITICAL CODE.

SEC. 382. The Governor must cause to be kept the following records:

1. A register of all applications for pardon or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application;
2. A register of statements in capital cases made to him, with his action thereon;
3. An account of all his official expenses and disbursements, including the incidental expenses of his department, and of all rewards offered by him for the apprehension of criminals and persons charged with crime;
4. A register of all appointments made by him, with date of commission, names of appointee and predecessor;
5. A record of all persons confined in the State Prison, showing the name of the convict, his age and general appearance, when and where convicted, and of what crime, the time of his sentence, and when such time expires.

EXTRACTS FROM THE STATUTES OF 1880, 1881, 1883.

STATE PRISON AT FOLSOM.

An Act to define, regulate, and govern the State Prisons of California.

[Approved April 15, 1880.]

SECTION 1. The prison heretofore known as the "Branch State Prison" shall be known hereafter and designated as the "STATE PRISON AT FOLSOM," and all its finances and other accounts shall be kept separate from those of the State Prison at San Quentin, and it shall have an official staff conformable to the laws of the State in relation to State Prisons; and it shall be lawful for Courts to sentence convicts to the State Prison at San Quentin, or to the STATE PRISON AT FOLSOM, in their discretion, and the Board of Directors shall have power to transfer prisoners from either prison to the other one, when, in their judgment, such transfer is for the best interests of the State.

SEC. 2. For the government and management of the California State Prisons there shall be appointed by the Governor, by and with the advice and consent of the Senate, on or before the second Monday in January, A. D. eighteen hundred and eighty, five Directors, who shall hold their office for the term of ten years from and after said second Monday in January, A. D. eighteen hundred and eighty, and until their successors are appointed and qualified; *provided*, that said Directors so appointed shall, at their first meeting after the passage of this Act, so classify themselves, by lot, that one of them shall go out of office in two years, one of them in four years, one of them in six years, one of them in eight years, and one of them in ten years after said second Monday in January, A. D. eighteen hundred and eighty; and an entry of such classification shall be made in the minutes of said Directors, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. And on or before the second Monday in January, A. D. eighteen hundred and eighty-two, and at the same time biennially thereafter, the Governor shall appoint, by and with the advice and consent of the Senate, one Director, whose term of office shall be for a period of ten years, commencing with said second Monday in January. And each Director shall subscribe an oath of office, which shall be indorsed on his commission.

SEC. 3. At the first meeting of the Directors after the passage of this Act, and at their meeting in January biennially thereafter, they shall elect one of their number President of the Board.

SEC. 4. A majority of the Board shall constitute a quorum for the

transaction of business, but no order of the Board shall be valid unless it is entered on the journal, and is concurred in by three members.

SEC. 5. It shall be the duty of the Directors:

First—To determine the necessary officers of the prisons, other than those of Wardens and Clerks, specifying their duties severally, and fixing their salaries; to prescribe rules and regulations for the government of the prisons, and to revise and change the same from time to time as circumstances may require; *provided*, the Warden may make such temporary rules and orders as he may deem proper, to be in force until the next meeting of the Board. At least three of said Directors shall visit the prison in company on the first Tuesday in each month, or as soon thereafter as may be practicable, and examine all the different departments, and audit all claims against the prisons. The Directors shall cause an inspection of the prisons to be made by one of their number at least once in each month.

Second—The Directors shall meet at the State Prisons within the first ten days in January, April, July, and October of each year, and, in addition to the duties above described, they shall examine the books and accounts of the Wardens and Clerks.

Third—To enter on their journal the result of all examinations, and of all other official acts, which shall be signed by the members present.

Fourth—On or before the first day of November, A. D. eighteen hundred and eighty, and annually thereafter, to report to the Governor the condition of the prisons, together with a detailed statement of their receipts and expenditures, and such suggestions as their interests may require.

SEC. 6. The Board of Directors shall have power to establish an office in San Francisco, and employ a Secretary.

SEC. 7. The Directors shall appoint a Warden for each prison, who shall take and subscribe an oath or affirmation faithfully to discharge the duties of his office, and enter into a bond to the State of California in the sum of twenty-five thousand dollars, with two or more sureties, to be approved by the Directors and the Attorney-General of the State, conditioned for the faithful performance of the duties which may devolve upon him as such officer; and he shall hold his office for four years.

SEC. 8. The Wardens shall reside at the State Prisons to which they are respectively assigned, in houses provided and furnished at the expense of the State; and it shall be their duty:

First—To fill all subordinate positions that may be created by order of the Board of Directors, by appointment of suitable persons thereto.

Second—To supervise the government, discipline, and police of the prison.

Third—To give all needful directions to the inferior officers, and secure from each a faithful discharge of their several duties.

Fourth—To make frequent examinations into the state of the prisons, the health, condition, and safety of the convicts.

Fifth—To report as often as they may be required to the Directors, the number of Guards employed, their names and duties, and such other matters as may be required.

Sixth—To have general charge of all departments of the prisons, and of the officers.

Seventh—To bring any and all suits at law or in equity arising in

his department that may be necessary to protect the rights of the State in matters connected with the prisons and their management, in the name of the Board of State Prison Directors, and to prosecute the same with the consent of the Board of Directors.

SEC. 9. The Board of Directors shall appoint a Clerk for each prison, who shall take an oath of office, and enter into a bond to the State, with sureties satisfactory to the Board, in the sum of five thousand dollars, that they will faithfully discharge the duties which devolve upon them. The Clerks shall hold their office for the period of four years, unless sooner removed by the Board for misconduct, incompetency, or neglect of duty.

SEC. 10. The Clerks shall keep the accounts of the prisons to which they are severally appointed, in such manner as to exhibit clearly all its financial transactions. A register of convicts shall be kept, in which shall be entered the name of each convict, the crime of which he is convicted, the period of his sentence, from what county, by what Court sentenced, his nativity, to what degree educated, at what institution, and under what system; an accurate description of his person, and whether he has been previously confined in a State Prison in this or any other State, and if so, when and how he was discharged. The Clerks shall also act as Secretaries of the Board while in session at the prisons.

SEC. 11. The Board of Directors are hereby authorized and required to contract for provisions, clothing, medicines, forage, fuel, and all other supplies needed for the support of the prisons for any period of time, not exceeding one year, and such contract shall be limited to bona fide dealers in the several classes of articles contracted for. Such contracts shall be given to the lowest bidder at a public letting thereof, if the price bid is a fair and reasonable one, and not greater than the usual market value and prices. Each bid shall be accompanied by such security as the Board may require, conditional upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a penal bond, with good and sufficient sureties, in such sum as the Board may direct and to their satisfaction, that he will faithfully perform his contract. Notice of the time, place, and conditions of the letting of such contract shall be given for at least two consecutive weeks in two daily newspapers printed and published in the City of San Francisco, and in one newspaper printed and published in the City of Sacramento, and in one newspaper printed and published in the county where the prison to be supplied is situated. If all the bids made at such letting are deemed unreasonably high, the Board may, in their discretion, decline to contract, and may again advertise for proposals, and may so continue to renew the advertisement until satisfactory contracts are made; and in the meantime the Board may contract with any one whose offer is regarded just and equitable, but no contract thus made shall run more than sixty days, nor in any case extend beyond the public letting. No bid shall be accepted, nor a contract entered into in pursuance thereof, when such bid is higher than any other bid at the same letting for the same class or schedule of articles, and when a contract can be had at such lower bid. When two or more bids for the same article or articles are equal in amount, the Board may select the one which, all things considered, may by them be thought best for the interests of the State, or they may divide the contract between the bidders, as in

their judgment may seem proper and right.—[*As amended March 14, 1881.*]

SEC. 12. The Board of Directors shall have power, in their discretion, to purchase any clay lands suitable for brick making that may lie contiguous to the San Quentin Prison grounds, not to exceed in value the sum of fifteen thousand dollars.

SEC. 13. No person shall be appointed to any office, or be employed in the prisons on behalf of the State, who is a contractor, or the agent or employé of a contractor, or who is interested directly or indirectly in any business carried on therein; and no male person who is not a qualified elector of the State of California shall be appointed by the Wardens to any office in or about the prisons, nor shall any one be employed or appointed by virtue of this Act who is in the habit of intemperate use of intoxicating liquors. A single act of intoxication shall justify discharge or removal.

SEC. 14. The Governor shall have the power to remove either of the Directors for misconduct, incompetency, or neglect of duty, upon proper notice to him or them, accompanied by copies of written charges, he or they having an opportunity to be heard thereon.

SEC. 15. If the office of Director shall become vacant by death, resignation, removal by the Governor, or any other cause, the vacancy shall be filled for the unexpired term by the Governor, by and with the advice and consent of the Senate.

SEC. 16. The Wardens and Clerks may be removed by the Board of Directors at any time for misconduct, incompetency, or neglect of duty; and all other officers and employés may be removed at any time at the pleasure of the Warden.

SEC. 17. The Directors shall receive no compensation other than ten cents per mile for traveling expenses, and one hundred dollars (\$100) per month for other expenses incurred while engaged in the performance of official duties. The Warden shall receive a salary not less than two thousand and four hundred dollars (\$2,400), and not to exceed three thousand dollars (\$3,000) per annum, in the discretion of the Directors. The Clerks shall receive one thousand and five hundred dollars (\$1,500) per annum, and all other officers and employés shall receive such compensation as the Board of Directors shall deem just and equitable in each case.—[*As amended March 14, 1881.* Declared unconstitutional by the Supreme Court August 22, 1882.]

SEC. 18. All moneys received or collected by the Wardens by virtue of this Act, shall be paid by them into the State Treasury to the credit of a fund to be known as the State Prison Fund, at least as often as once per month, excepting so much thereof as may be necessary to pay the current expenses. The Wardens shall require vouchers for all moneys by them expended, and safely keep the same on file in their respective offices at the prisons. For all sums of money required to be paid, other than for the uses above named, as well as for said uses when there is not sufficient money in the hands of the Wardens, drafts shall be drawn on the Controller of State, signed by at least three of the State Prison Directors, and countersigned by the Warden, and the Controller of State shall draw his warrant on the State Treasurer, who shall pay the same out of any moneys belonging to the State Prison Fund, or appropriated for the use or support of the State Prisons.—[*As amended March 14, 1881.*]

SEC. 19. All revenues of the prisons, unless herein otherwise pro-

vided, shall be paid to the Wardens, who alone are authorized to receipt for the same and discharge from liability. When any sum of money is paid to the Wardens, they shall cause the same to be properly entered on the books by the Clerks.

SEC. 20. On payment of any moneys into the State Treasury, as provided in this Act, the Wardens and State Treasurer shall report to the Controller of State the amount so paid, and the State Treasurer shall give the Wardens a receipt therefor, which receipt shall be filed with the Controller. The Wardens shall report to the Controller of State the amount of money paid into said treasury by them during each month, and shall also report to said Controller of State the amounts received and disbursed by them every three months, and during the period for which such report shall be made, which quarterly report shall be signed by the Warden and at least three of the Directors.—[*As amended March 14, 1881.*]

SEC. 21. All convicts not employed on contracts may be employed by authority of the Board of Directors, under charge of the Wardens and such skilled foremen as he may deem necessary in the performance of work for the State, or in the manufacture of any article or articles which, in the opinion of the Board, may inure to the best interests of the State; and the Board of Directors are hereby authorized to purchase, from time to time, such tools, machinery, and materials, and to direct the employment of such skilled foremen as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured and not needed by the State, for cash, at public auction or otherwise. If by auction, after having first given notice of such sale by advertising the time and place thereof, together with a list of the articles to be sold, in ten consecutive issues of two or more daily newspapers of general circulation published in the City and County of San Francisco. The money received from the sale of all articles so sold shall be paid into the State Treasury, by the Warden of the prison, to the credit of the fund of said prison.

SEC. 22. In the treatment of the prisoners the following general rules shall be observed: each convict shall be provided with a bed of straw, or other suitable material, and sufficient covering of blankets, and shall be supplied with garments of coarse, substantial material, of distinctive manufacture, and with sufficient plain and wholesome food, of such variety as may be most conducive to good health.

Second—No punishment shall be inflicted, except by the order and under the direction of the Wardens.

Third—The Warden shall keep a correct account of all money and valuables upon the prisoner when delivered at the prison, and shall pay the amount, or the proceeds thereof, or return the same to the convict when discharged, or to his legal representatives in case of his death; and in case of the death of such convict without being released, if no legal representative shall demand such property within five years, the same shall be paid into the State Prison Fund.

Fourth—The rules and regulations prescribing the duties and obligations of the prisoners shall be printed and hung up in each cell and shop.

Fifth—Each convict, when he leaves the prison, shall be supplied with the money taken from him when he entered, and which he has not disposed of, together with any sum which may have been earned by him for his own account, allowed to him by the State for good conduct or diligent labor, or may have been presented to him from

any source; and in case the prisoner has not funds sufficient for present purposes, he shall be furnished with five dollars in money, a suit of clothes costing not more than ten dollars, and a half-fare ticket to the place where sentenced, if the prisoner desires to return there, or to any other place of the same cost; and he shall be entitled, if he so elect, to immunity from having his hair cut, or from being shaved, for three calendar months immediately prior to his discharge. It shall not be lawful for the officers of the prison to furnish, or permit to be furnished, to any one, for publication, the name of any prisoner about to be discharged.

When the Warden, and such other officers as may be designated by the Directors to act with him in such cases, shall be of opinion that any convict is insane, they shall make proper examination, and if they remain of the opinion that such person is insane, the Warden shall certify the fact to the Superintendent of one of the State Asylums for the insane, and shall forthwith send such convict to said asylum for care and treatment. It shall be the duty of the Warden, also, to send to the Directors a copy of such certificate, and thereafter a statement as to his subsequent acts regarding the said insane convict. And it shall be the duty of the Superintendent of the Insane Asylum to receive such insane convict and keep him until cured. It shall be his duty, upon the receipt of such insane convict, to notify the Directors of the fact, giving name, date, and where from, and from whose hands received. When, in the opinion of the Superintendent, such insane convict is cured of insanity, it shall be his duty to immediately notify the Directors thereof; and it shall be his duty, also, to notify the Warden of the prison from whence he was received, who shall immediately send for, take, and receive the said convict back into the prison, the time passed at the asylum counting as a part of such convict's sentence.

Before discharging any convict who may be insane at the time of the expiration of his sentence, the Warden shall first give notice, in writing, to a Judge of a Superior Court of the county in which the State Prison may be located, over which he has control, of the fact of such insanity; whereupon said Court shall forthwith make an order, and deliver the same to the Sheriff of said county, commanding him to remove such insane convict and take him before said Court. Upon the receipt of such order, it shall be the duty of said Sheriff to whom it is directed to execute and return the same forthwith to the Court by whom it was issued, and thereupon the said Court shall cause proper examination to be made by medical experts, and if it shall satisfactorily appear that such convict is insane, said Court shall order him to be confined in one of the Insane Asylums. The Sheriff shall receive the same compensation as for transferring a prisoner to the State Prison, and to be paid in the same manner.

If any Judge, after having been so notified by the Warden, shall neglect to cause such order to be made as herein provided, or any such Sheriff shall neglect to remove such insane convict, as required by the provisions of this section, it shall be the duty of the Warden to cause such insane convict to be removed before a Superior Court of a county in which the State Prison is located, in charge of an officer of the prison, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the State Treasury, in the same manner as when removed by the Sheriff as herein provided.

SEC. 23. The Board of State Prison Directors of this State shall require of every able-bodied convict confined in a State Prison as many hours of faithful labor, in each and every day during his term of imprisonment, as shall be prescribed by the rules and regulations of the prison; and every convict faithfully performing such labor, and being in all respects obedient to the rules and regulations of the prison, or if unable to work, yet faithful and obedient, shall be allowed from his term, instead and in lieu of the credits heretofore allowed by law, a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term; *provided*, that any such convict who shall commit an assault upon his keeper, or any foreman, officer, or convict, or otherwise endanger life, or by any flagrant disregard of the rules of the prison, or any misdemeanor whatever, shall forfeit all deductions of time earned by him for good conduct before the commission of such offense; such forfeiture, however, shall only be made by the Board of Directors, after due proof of the offense, and notice to the offender; nor shall such forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the Directors shall be the sole judges. The name of no convict who attempts to escape, after the passage of this Act, shall be sent by the State Prison officials to the Governor for the credits herein provided.

[Two terms to count as one in computing credits.—49 Cal. 465.]

SEC. 24. All criminals sentenced to the State Prisons by the authority of the United States shall be received and kept according to the sentence of the Court by which they were tried, and the prisoners so confined shall be subject, in all respects, to the same discipline and treatment as though committed under the laws of this State. The Wardens are hereby authorized to charge and receive from the United States, for the use of the State, an amount sufficient for the support of each prisoner, the cost of all clothing that may be furnished, and one dollar per month for the use of the prisoner. No other or further charge shall be made by any officer for or on account of such prisoners.

SEC. 25. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, by the State Board of Prison Directors, nor shall they let out any such labor prior to January first, eighteen hundred and eighty-two, by contract extending beyond such date; *provided*, that after the passage of this Act, no skilled convict labor shall be let or contracted out at a price less than one dollar per day for each convict; *provided further*, that this section shall not apply to contracts heretofore entered into.

SEC. 26. The Board of Directors shall have power to contract for the supply of gas and water for said prisons, upon such terms as said Board shall deem to be for the best interest of the State, or to manufacture gas or furnish water themselves, at their option.

SEC. 27. No officer or employé shall receive, directly or indirectly, any compensation for his services other than that prescribed by the Directors; nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor, or agent, or employé of a contractor. For any violation of the provisions of this section, the officer, agent,

or employé of the State shall be discharged from his office or service; and every contractor, or employé, or agent of a contractor engaged therein, shall be expelled from the prison grounds, and not again permitted within the same as a contractor, agent, or employé.

SEC. 28. No officer or employé of the State, or contractor or employé of a contractor, shall, without permission of the Board of Directors, make any gift or present to a convict, or receive any from a convict, or have any barter or dealings with a prisoner. For every violation of the provisions of this section, the party engaged therein shall incur the same penalty as prescribed in section twenty-seven.

SEC. 29. No officer or employé of the prison shall be interested, directly or indirectly, in any contract or purchase made or authorized to be made by any one for or on behalf of the prisons.

SEC. 30.—[Repealed March 14, 1881.]

SEC. 31. There shall be printed annually, for the use of the prisons, five hundred copies of the annual report of the Board of Directors, and the Clerk shall annually transmit to each of the State Prisons in the United States one copy of such report.

SEC. 32. All the bonds of officers and employés under this Act shall be deposited with the Secretary of State.

SEC. 33. If any of the shops or buildings in which convicts are employed are destroyed in any way, or injured by fire or otherwise, they may be rebuilt or repaired immediately, under the direction of the Board of Directors, by and with the advice and consent of the Governor, Attorney-General, and Secretary of State, and the expenses thereof paid out of any funds in the State Treasury not otherwise appropriated by law.

SEC. 34. The Board of Directors must report to the Governor from time to time the names of any and all persons confined in the State Prisons who, in their judgment, ought to be pardoned out and set at liberty on account of good conduct, or unusual term of sentences, or any other cause, which, in their opinion, should entitle such prisoner to pardon.

SEC. 35. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 36. This Act shall take effect immediately.

An Act to encourage the planting of jute.

[Approved April 9, 1880.]

SECTION 1. That the President of the State Agricultural College shall cause to be planted to jute not less than one nor more than five acres of ground, for the purpose of testing the practicability of its successful cultivation in this State.

SEC. 2. The amount of money expended in carrying out the provisions of section one of this Act shall be taken from the fund appropriated for the support of said Agricultural College.

An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroner inquests in said prison.

[Approved April 12, 1880.]

SECTION 1. The costs and expenses of all trials which have heretofore been had in the county in this State where the State Prison is situated, for any crime committed by any convict in the State Prison, and the costs of guarding and keeping such convict, and the execution of the sentence of said convict by said county, and the costs and expenses of all trials heretofore had for the escape of any convict from the State Prison, and the costs and expenses of all Coroner inquests heretofore had of any convict at the State Prison by the county where said prison has been situated, shall be certified to by the County Clerk of said county wherein said trials and inquests have been held to the Board of State Prison Directors for their approval, and after such approval they shall pay the same out of the money appropriated for the support of the State Prison to the County Treasurer of said county where said trials have been had; *provided*, that this Act shall not apply to any costs or expenses incurred since January first, eighteen hundred and seventy-three.

SEC. 2. This Act shall only apply to cases which have not been settled for by the State.

An Act making appropriations for the support of the government of the State of California, for the thirty-second fiscal year.

[Approved April 16, 1880.]

For support of State Prisons, two hundred and ninety-one thousand dollars.

For transportation of prisoners to State Prison, fifteen thousand dollars.

For transportation of discharged prisoners, two thousand four hundred dollars.

For deficiency in the appropriation for the support of State Prisons for the thirty-first fiscal year, fifty-one thousand dollars.

For deficiency in the appropriation for the construction of the Branch State Prison, at Folsom, nine thousand dollars.—[*Vetoed*.]

Assembly Joint Resolution No. 10, relative to the enforcement of the United States statute, making eight hours the length of a day's labor on public works.

[Adopted April 10, 1880.]

WHEREAS, In the State of California there is now being done and performed, for the Government of the United States, a large amount of work and labor; and whereas, the laborers who perform said work are actually compelled to labor more than eight hours a day, as a day's work; and whereas, such day's work is contrary to the provisions of section three thousand seven hundred and thirty-eight of the Revised Statutes of the United States; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be directed and our Representatives be requested to urge upon and use their influence to have the President of the United States and his Cabinet to enforce said section three thousand seven hundred and thirty-eight, by compelling all public work to be performed under the provisions of said section.

Resolved, That his Excellency Geo. C. Perkins, Governor of California, be directed to forthwith transmit a copy hereof to our Senators and Representatives.

An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

[Approved March 4, 1881.]

SECTION 1. The sum of eight thousand nine hundred and forty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute for the State Prison at San Quentin, and other expenses incidental and relating thereto.

[Approved March 4, 1881.]

SECTION 1. The sum of two hundred and nineteen thousand dollars (\$219,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the State Board of Prison Directors, to pay for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute, and other expenses immediately appertaining to the carrying out of the object of this Act, for the State Prison at San Quentin.

Appropriations for the thirty-third and thirty-fourth fiscal years.

[Approved May 12, 1881.]

SECTION 1. * * * For support of State Prison at San Quentin, one hundred and sixty thousand dollars for the thirty-third fiscal year; and for the support of the State Prison at San Quentin, one hundred thousand dollars for the thirty-fourth fiscal year.

For the support of State Prison at Folsom, one hundred and ninety thousand dollars.

For the purchase of lime, cement, and other articles necessary for the construction of a wall about the State Prison at Folsom, ten thousand dollars.—[Vetoed.]

For transportation of prisoners to the prisons, forty thousand dollars.

An Act making appropriations for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

[Approved March 1, 1883.]

SECTION 1. The sum of two thousand two hundred and twelve dollars and fifty-seven cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-second fiscal year.

An Act making appropriations for a deficiency in the appropriation for transportation of prisoners for the thirty-third fiscal year.

[Approved March 1, 1883.]

SECTION 1. The sum of fifteen hundred and twenty-nine dollars and fifty-two cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-third fiscal year.

An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

[Approved March 9, 1883.]

For support of the State Prison at San Quentin, one hundred and twenty thousand dollars;

For support of the Branch State Prison at Folsom, one hundred and sixty thousand dollars;

For transportation of prisoners to the State Prisons, forty-two thousand dollars.

SEC. 2. The sums herein appropriated for contingent expenses of the Senate and Assembly shall be disbursed under the direction of the bodies respectively to which they belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code. No moneys appropriated for the support of the institutions of the State shall be used for permanent improvements, but shall be applied solely to the payment of the salaries and traveling expenses of the Commissioners or Directors of the institutions, when salaries or expenses are by law made payable from such appropriations, the salaries of the employes, the purchase of materials and supplies for the use of the specified institutions, and such incidental expenses as may be necessary for the proper maintenance thereof.

SEC. 3. The State officers, and the officers of the institutions under the control of the State, except the Governor, to whom and for which appropriations other than salaries are made by this Act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which such appropriations (other than for salaries) for their respective departments and institutions have been expended; and the State Board of Examiners are hereby expressly prohibited from allowing any demands payable out of such appropriations until

the same shall have been presented in itemized form, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expense thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of purchase; *provided*, that no officer shall use any money appropriated by this Act for any purpose whatever, except he be authorized by law to make such use of it.

An Act to provide for the erection of a wall at the State Prison at Folsom.

[Approved March 13, 1883.]

SECTION 1. There is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, the sum of seven thousand dollars, to be used by the State Board of Prison Directors in the purchase of material for the erection of a wall at the State Prison at Folsom.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of the State Board of Prison Directors in the sum hereby appropriated.

An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

[Approved March 15, 1883.]

SECTION 1. The sum of nine hundred and seventy-six dollars and fifty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year, arising from the expenses of criminal trials and guarding and keeping convicts, incurred under section one hundred and eleven of the Penal Code.

An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

[Approved March 15, 1883.]

SECTION 1. The sum of three thousand eight hundred and ninety-eight dollars and twenty-two cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year, arising from the expenses of criminal trials, and guarding and keeping convicts, incurred under section one hundred and eleven of the Penal Code.

An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

[Approved March 15, 1883.]

SECTION 1. The sum of fourteen hundred and seventy-one dollars and ninety-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year, arising from the expenses of criminal trials, and guarding and keeping convicts, incurred under section one hundred and eleven of the Penal Code.

BOARD OF EXAMINERS—FOR SUPPORT OF STATE PRISON AT SAN QUENTIN.

At a special meeting of the Board of Examiners the following statement of facts concerning the finances of the San Quentin Prison was taken into consideration:

SAN FRANCISCO, October 22, 1883.

To the honorable State Board of Examiners, Sacramento:

GENTLEMEN: The undersigned Board of State Prison Directors, in asking consent of your honorable Board to create an indebtedness for the maintenance of the State Prison at San Quentin for the balance of the thirty-fifth fiscal year, beg leave to respectfully represent the necessity which makes such action necessary. The past history of the prison shows that not less than \$130,000 has ever been drawn from the State Treasury for its annual support. The present condition shows only \$6,000, after the current expenses of this month are paid, out of the \$60,000 appropriated for the thirty-fifth fiscal year, leaving only the amount of \$6,000 to maintain the prison for the remaining eight months of the present fiscal year. From a close investigation of the subject, we are enabled to state that the expenses to maintain the prison are about \$18,000 per month, from which is to be deducted the profits of prison labor in the various manufacturing departments, which, according to the Warden, amount to above \$7,000 per month. The deficiency is attributed, so far as our investigation shows, to a lack of the necessary appropriation. Owing to the scarcity of jute material in the market at present, and the advanced price of said commodity, and the unseasonable market for grain bags, the prison receipts must necessarily be very much less for the balance than for the first part of the fiscal year. We must also create a temporary indebtedness for the purchase of jute material or stop the labor of convicts in that department.

In consideration of the above statement of facts, we respectfully request your honorable Board to allow us to create an indebtedness of not exceeding \$70,000 for the support of the prison for the remainder of this fiscal year, and \$10,000 for the purchase of jute material.

Very respectfully submitted.

JOHN BOGGS.
D. W. GELWICKS.
CHAS. F. ROBBINS.
W. C. HENDRICKS.

I concur in the above request for permission to create an indebtedness of \$70,000 for current expenses and \$10,000 for purchase of jute material; but I dissent from the statement that it requires \$18,000 per month to run the San Quentin Prison. My own investigation leads me to the conclusion that \$16,000 per month is amply sufficient. Respectfully,

W. C. VAN FLEET.

The following is the answer of the Board of Examiners granting the request, and authorizing the Directors to create an indebtedness for the further support of the prison during the remainder of the fiscal year:

OFFICE OF THE STATE BOARD OF EXAMINERS, SACRAMENTO, October 31, 1883.

The Board of Directors of the State Prisons of the State of California having, on the twenty-second of October, 1883, reported to this Board that, of the appropriation made for the support of the State Prison at San Quentin for the thirty-fifth fiscal year, there will be and remain on hand at the end of the present month the sum of \$6,000 only, and that it will require the further sum of \$70,000 for the support of said State Prison for the remainder of the present fiscal year, and also the sum of \$10,000 for the purchase of jute for the use of said prison for the thirty-fifth fiscal year; and said Board of Prison Directors having asked the unanimous consent of this Board to authorize an expenditure in excess of the amount appropriated for the support of said State Prison at San Quentin for said thirty-fifth fiscal year, to wit: \$70,000 for the support of said prison, and \$10,000 for the purchase of jute for the use of said prison, which said statement and report of said Prison Directors is hereto attached and made a part of this authorization.

Now, therefore, this Board, having duly considered said report or statement, and the facts and premises connected therewith, and being fully advised thereon, do find that said statement is in all things true and correct, except as to the statement therein that it will require \$18,000 per month to support said prison. It is therefore determined by this Board that it is unavoidably necessary that an expenditure in excess of the said appropriation for said State Prison for the thirty-fifth fiscal year should be made. It is further ordered by this Board that the Board of Prison Directors be and they are hereby authorized to make an expenditure for the support of the State Prison at San Quentin for the thirty-fifth fiscal year in excess of the appropriation made by law, viz.: not exceeding the sum of \$70,000 for the support of said prison, and not exceeding the sum of \$10,000 for the purchase of jute for the use of said prison; providing, however, that said Board of Prison Directors shall not (except as to amount hereby allowed for purchase of jute) borrow any money for the purposes herein allowed, except in monthly sums, and then only in amount sufficient to pay the authorized expenditures which have accrued against said prison for the preceding month.

This authorization shall be and serve as a certificate to said Prison Directors to make such expenditures.

Done at the office of the State Board of Examiners, on the day above written.

GEORGE STONEMAN, Governor,
THOS. L. THOMPSON, Secretary of State,
E. C. MARSHALL, Attorney-General,
State Board of Examiners.

EXTRACTS FROM THE PENAL CODE.

FELONIES AND MISDEMEANORS.

SECTION 17. A FELONY is a crime punishable with *death*, or by imprisonment in the State Prison.

Every other crime is a MISDEMEANOR.

When a crime punishable by imprisonment in the State Prison is also punishable by fine or imprisonment in a county jail, in the discretion of the Court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the State Prison.

SEC. 18. Except in cases where a different punishment is prescribed by this Code, every offense declared to be a *Felony* is punishable by imprisonment in the State Prison not exceeding 5 years.

SEC. 19. Except in cases where a different punishment is prescribed by this Code, every offense declared to be a *Misdemeanor* is punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$500, or by both.

PUNISHMENTS FOR FELONIES.

[The offenses are arranged alphabetically, with the numbers of the sections of the Code at the left of the line, the terms of imprisonment at the right of the line, under the headings to show that the Code provides a term of years "not less than" or "not exceeding" that indicated; also, that there may be a fine in addition, or sometimes as an alternative.]

Section	CRIME.	In State Prison	
		not less than	not exceeding
		Years.	Years.
265	Abduction of women (punishable by imprisonment)	2	14
267	Abduction, for prostitution (with fine not exceeding \$1,000)		5
278	Abduction of children (county jail 1 year and \$500, or)		10
274	Abortion	2	5
33	Accessories to or in concealing crime (county jail 2 years, \$5,000 fine, or)		5
51	Adding to or subtracting votes	1	5
216	Administering poison	10	
222	Administering stupefying drugs		5
284	Aiding in bigamous marriage (fine, \$2,000)		3
52	Aiding violation of election laws (county jail 6 months, or)		2
317	Advertising to produce miscarriage		5
84	Altering enrolled bill or resolution, or draft		5
48	Altering ballots or returns of elections	2	7
357	Altering brands of cattle	1	5
455	Arson, first degree	2	
455	Arson, second degree		10

PUNISHMENTS FOR FELONIES—CONTINUED.

Section	CRIME.	In State Prison	
		not less than	not exceeding
		Years.	Years.
68	Asking or receiving bribes by officer	1	14
217	Assaults to murder or kill	1	14
244	Assaults with caustic chemicals	1	14
245	Assaults with deadly weapons (county jail, or \$5,000, or)		2
109	Assisting prisoner to escape (\$10,000 fine, and)		10
106	Attempts to escape from State Prison		5
664	Attempts to commit burglary		7½
666	Attempts to commit burglary, second conviction	10	
549	Attempted fraudulent recovery of insurance (\$1,000, and)		3
664	Attempts to commit crimes, punishable by more than 5 years, shall be punished by one half of the term imposed for the offense; if punishable by less than 5 years, county jail not more than 1 year		
216	Attempts to commit crimes by poison	10	
217	Attempts to commit crimes by deadly weapons	1	14
283	Bigamy (fine not exceeding \$2,000, and)		3
284	Bigamy, for aiding in marriage (\$2,000, and)		3
348	Boats, mismanagement of by Captain, etc.		5
349	Boats, boilers of		5
57	Bribing or offering bribes to delegates, etc.	1	14
85	Bribes, giving or offering to legislators	1	10
86	Bribes, receiving by legislators	1	14
67	Bribes, of executive officers	1	14
137	Bribes to witnesses		5
138	Bribes, witnesses taking		5
95	Bribes, attempts with jurors (\$5,000 fine, or)		5
165	Bribes, of Supervisors, etc.	1	14
93	Bribes, receiving by Judges	1	10
460	Burglary, night-time	1	15
460	Burglary, day-time		5
666	Burglary, night-time, second conviction (Clause 1)	10	
664	Burglary, attempt to commit		7½
666	Burglary, attempt to commit, second conviction	10	
548	Burning insured property	1	10
600	Burning bridges, sheds, stacks, grain, etc.	1	10
110	Carrying into prison aids to escape (\$10,000, and)		10
48	Changing ballots or altering returns	2	7
278	Child stealing (county jail 1 year and \$500, or)		10
157	Child substitution		7
153	Compounding offenses		5
105	Convict escaping from State Prison (another term)	1	
479	Counterfeiting coin, bullion, etc.	1	14
286	Crime against nature	5	
220	Crime against nature, assault to commit	1	14
664	Crime against nature, attempt to commit		25
271	Deserting child		7
606	Destroying jails (fine, \$10,000, and)		5
623	Destroying works of art, etc.		5
113	Destroying records by officers	1	14
226, 227	Dueling	1	7
503	Embezzlement defined	1	10
424	Embezzlement of accounts and falsifying them	1	10
518	Extortion in certain cases		5
17-19	Felony (imprisonment in State Prison or death)		
470	Forgery, generally, uttering notes, etc.	1	14
472	Forgery of public and corporate seal	1	14
471	Forgery of records and returns	1	14
474	Forgery of telegraphic messages (county jail 1 year, or \$5,000 fine, or both)		5
476	Forgery of notes, bills, etc., and uttering	1	14
50	Forgery of election returns, etc.	2	10

PUNISHMENTS FOR FELONIES—CONTINUED.

Section	CRIME.	In State Prison not less than	In State Prison not exceeding
		Years.	Years.
42	Frauds in registering voters (fine, \$1,000, or both)	1	5
72	Frauds in presenting bills to officers for payment		10
156	Frauds regarding birth of infant		10
558	Frauds in organizing corporations	3	10
85	Giving bribes to members of Legislature	1	10
92	Giving bribes to Judges, jurors, referees, etc.	1	10
165	Giving bribes to Common Council, Supervisors, etc.	1	14
487	Grand larceny	1	10
432	Having fraudulent blank license receipts (felony)		15
461	House breaking, night-time	1	5
461	House breaking, day-time		5
45, 61	Illegal voting		10
285	Incest		5
95	Improper attempt to influence jurors (fine, \$5,000, or)		5
577	Issuing fictitious bills of lading		5
578	Issuing fictitious warehouse receipts (fine, \$1,000, or both)		5
648	Issuing and circulating paper money (misdemeanor), second offense		5
607	Injuring dams, levees, aqueducts, etc. (county jail 2 years, or \$1,000 fine, or both)		
617	Injuring written instruments		5
588	Injuring highways, private ways, etc.		5
587	Injuring railroads, railroad bridges		10
207	Kidnaping	1	10
487	Larceny, grand	1	10
497	Larceny, out of State, of property received in	1	10
113	Larceny, records by officers	1	14
231	Leaving State to fight duel	1	7
414	Leaving State to engage in prize fight		2
471	Making false entries in records or returns	1	14
476	Making fictitious bills	1	14
480	Making counterfeit dies or plates	1	14
541	Making false manifests		3
192	Manslaughter		10
610	Making or removing signal lights	3	10
534	Married person selling land by misrepresentation		5
528	Marrying under false personation		5
203	Mayhem		14
38	Misprision of treason		5
96	Misconduct of jurors, referees, etc. (\$5,000, or)		5
535	Mock auctions (county jail 1 year, or \$1,000 fine, or both)		3
187	Murder, first degree (death, or for life)		
187	Murder, second degree	10	
441	Neglect of duty by Board of Examiners (felony)		5
425	Neglect to pay over money by officer		5
115	Offering forged or false instruments for record		5
132	Offering false evidence		5
76	Officer refusing to surrender books, etc.	1	10
108	Officer, suffering escapes (\$10,000, and)		10
93, 83, 84	Officer, receiving bribes		5
425	Officer, neglecting to pay over money		5
71	Officer, buying scrip, or being interested in contracts (\$1,000, or)		5
564	Officer publishing false report of condition of corporation		5
380	Omission to label drugs, etc., if death ensues		5
118	Perjury	1	14
127	Perjury, subornation of	1	14
479	Possessing counterfeit bullion	1	14
475	Possessing forged notes	1	14
81	Preventing meeting of Legislature		5
134	Preparing false evidence		5
347	Poisoning food, medicine, water, etc.	1	10

PUNISHMENTS FOR FELONIES—CONTINUED.

Section	CRIME.	In State Prison not less than	In State Prison not exceeding
		Years.	Years.
266	Procuring females for prostitution (county jail 1 year, \$1,000 fine, or both)		5
128	Procuring execution of innocent person (death)		2
412, 414	Prize fighting	10	
666	Prior conviction, if second offense (punishable by over 5 years)		10
666	Prior conviction, if second offense (punishable by 5 years or less)		5
666	Prior conviction, if second offense (petit larceny, or punishable by not over 5 years)		5
292	Railroads, putting passenger cars in front of freight, and if loss of life ensues		5
261	Rape	5	
411	Resisting process	2	
101	Rescuing prisoners	1	14
211	Robbery	1	
266	Seducing or procuring females (county jail 1 year, \$1,000 fine, or both, or)		5
533	Selling land twice	1	10
581	Selling hypothecated or pledged property (fine \$1,000, or both)		5
37	Treason (death)		
38	Treason, misprision of		5
601	Using gunpowder to destroy buildings and endanger life of human being		5
539	Vessel, willful destruction by officer in command	3	
540	Vessel, willful destruction by other persons		10
541	Vessel, making false manifest, etc.		3
290	Violation of sepulture, unlawful		5
291	Violation of sepulture, for dissection		5
61	Violating election laws		5
71	Violation of laws against dealing in scrip (fine \$1,000, or)		5
332	Winning at play by fraudulent means		5
347	Willfully poisoning food or water	1	10

PUNISHMENTS FOR MISDEMEANORS.

Section	CRIME.	Fine	County Jail or State Prison
		Dolls.	Years.
19	Misdemeanor	500	1
646	Aiding apprentices to run away	500	1
645	Aiding seamen to desert by harboring	500	1
644	Aiding seamen to desert by enticing	500	1
536	Accounts, false, by consignee	500	1
65	Acting in public capacity without authority	500	1
382	Adulterating food, drugs, liquors, etc.	500	1
620	Altering telegraph messages	5,000	5
596	Animals, poisoning	500	3
295	Arresting or attaching dead bodies	500	1
240	Assaults defined	500	1

PUNISHMENTS FOR MISDEMEANORS—CONTINUED.

Section	CRIME.	Fine		County Jail or State Prison
		Dolls.	Years.	
149	Assaults by officer under cover of authority	5,000	5	
46	Attempts to vote, not being qualified	500	1	
524	Attempts to extort by verbal threats	500	1	
162	Attorney defending certain cases (loss of license to practice law, and)	500	1	
161	Attorney buying demands in suit	500	1	
160	Attorney, misconduct by	500	1	
158	Barratry, common	500	1	
242	Battery defined	1,000	1	
60	Betting on elections	500	1	
386, 387	Bridge or ferry, maintaining without license	500	1	
388	Bridge, toll, driving or riding fast on	20		
389	Bridge or ferry, crossing without paying toll	20		
466	Burglary, tools, having	500	1	
297	Burial, unlawful	500	1	
73	Buying appointment to office	500	1	
161	Buying demands in suit by attorney	500	1	
365	Carriers and innkeepers refusing guests and passengers	500	1	
270	Child, omission to furnish necessities to	500	1	
174	Chinese, bringing into State	5,000	1	
178, 179	Chinese, employment of, by corporation	1,000	1	
153	Compounding offenses	500	1	
171	Convicts, communicating with	500	1	
173	Convicts, importing foreign	500	1	
166	Criminal contempt	500	1	
182	Criminal conspiracy	1,000	1	
374	Dead animals, putting in streets, rivers, etc.	1,000	1	
417	Deadly weapons rudely exhibited	500	1	
467	Deadly weapons, having	500	1	
296	Defacing tombs and monuments	500	1	
302	Disturbing religious meetings	500	1	
59	Disturbing political meetings	500	1	
403	Disturbing lawful assemblies	500	1	
415	Disturbing the peace	200	1	
43	Elections, refusal by voter to be sworn	500	1	
43	Elections, refusal to answer questions by officer of	500	1	
44	Elections, refusal to obey summons by officer of registration	500	1	
46	Elections, attempt to vote not being qualified	500	1	
47	Elections, procuring illegal voting	500	1	
53	Elections, intimidating, corrupting, etc., electors	500	1	
49	Elections, Inspector of, unfolding or marking ticket	500	1	
54	Elections, unlawfully furnishing money at	500	1	
55, 56	Elections, unlawful offer to procure office for elector	500	1	
58	Elections, preventing public meetings for purposes	500	1	
59	Elections, disturbing such meetings	500	1	
60	Elections, betting on	500	1	
311	Exposure, indecent, persons, pictures, etc.	500	1	
394	Exposure of person, having contagious disease	500	1	
650	Exposure, threatening, by letter	500	1	
135	Evidence, destroying	500	1	
306, 307	Female, exhibiting for hire	100	1	
306, 307	Female, procuring	500	1	
384	Fire, setting to woods, etc.	500	1	
385	Fire, obstructing attempts to extinguish	500	1	
418	Forceful entry and detainer	500	1	
419	Forceful entry, returning to retake	500	1	
155	Frauds by debtor concealing property	5,000	1	
156	Frauds by defendant in same		10	
358	Frauds in special partnerships	500	1	
381	Frauds in increasing weight of package	25		
395	Frauds to affect market price	500	1	
529	Frauds by personation	5,000	2	

PUNISHMENTS FOR MISDEMEANORS—CONTINUED.

Section	CRIME.	Fine		County Jail or State Prison
		Dolls.	Years.	
531	Frauds in conveyancing	500	1	
532	Frauds in obtaining money by false pretense (three times the value of money obtained, and)		1	
553	Frauds in weights and measures	500	1	
554	Frauds in stamping corks, etc.	500	1	
557	Frauds in stock subscriptions	500	1	
559	Frauds in using name in prospectus	500	1	
229	Fighting duel, posting for not	500	1	
413	Fighting for prize	500	1	
164	Grand Jurors acting after challenge allowed	500	1	
169	Grand Jurors, disclosing transactions of	500	1	
330	Gambling defined, etc.	1,000	1	
331	Gambling, permitting in house	1,000	1	
332	Gambling, winning at, by fraud	500	1	
333	Gambling, witness of, refusing attendance	500	1	
335	Gambling, officer refusing to prosecute for	500	1	
630-633	Game laws, violating	500	1	
634	Illegally using phosphorus	500	1	
635	Unlawfully catching fish	500	1	
638	Postponing telegraph messages out of regular turn	500	1	
375	Gunpowder, keeping unlawfully	500	1	
376, 377	Health and quarantine laws, violation of	2,000	1	
378	Health and quarantine laws, neglecting duty under	500	1	
315	Ill-fame, house of, residing in or keeping	500	1	
237	Imprisonment, false	5,000	1	
439	Insurance laws, violating	500	1	
589	Injuring toll houses, etc.	500	1	
590	Injuring milestones and guide-boards	500	1	
591	Injuring telegraph lines	500	1	
604	Injuring standing crops	500	1	
615	Injuring signals	500	1	
622	Injuring works of art	500	1	
624	Injuring gas and water pipes	500	1	
346	Intoxication, malpractice by physician from	500	1	
391	Intoxication, engineer	500	1	
501	Junk dealers, buying of minors	500	1	
502	Junk dealers, governed by law as pawnbroker	500	1	
316	Keeping disorderly house	500	1	
315	Keeping house of ill-fame	500	1	
373	Keeping pest-house within certain limits	500	1	
488	Larceny, petit	500	1	
498	Larceny of gas	500	1	
499	Larceny of water	500	1	
82	Legislature, disturbing while in session	500	1	
87	Legislature, witness refusing to testify before	500	1	
248	Libel defined	5,000	1	
257	Libel, threats to publish	500	1	
386, 387	License, maintaining bridge or ferry without	500	1	
435	License, doing business without	500	1	
436	Auctioneering without	500	1	
320	Lottery drawing	500	1	
321	Lottery, selling tickets for	500	1	
323	Lottery, keeping or advertising office	500	1	
324	Lottery, insuring ticket	500	1	
325	Lottery, letting building for	500	1	
402	Milk, adulteration of	500	1	
594	Malicious mischief in general	500	1	
596	Poisoning animals	500	1	
597	Killing or maiming animals	500	1	
598	Killing birds in cemeteries	500	1	
602	Malicious injury to freehold	500	1	

PUNISHMENTS FOR MISDEMEANORS—CONTINUED.

Section	CRIME.	Fine	County Jail or State Prison
		Dolls.	Years.
604	Injuries to standing crops	500	$\frac{1}{2}$
605	Defacing or removing landmarks	500	$\frac{1}{2}$
608	Burning or injuring rafts	500	$\frac{1}{2}$
608	Setting vessels adrift	500	$\frac{1}{2}$
609	Removing buoys and beacons	500	$\frac{1}{2}$
611, 613	Obstructing navigation	500	$\frac{1}{2}$
614	Mooring vessels to buoys	500	$\frac{1}{2}$
615	Injuring U. S. Coast Survey signals, etc.	500	$\frac{1}{2}$
616	Tearing down notices	100	$\frac{1}{2}$
618	Opening or publishing sealed letters	500	$\frac{1}{2}$
619	Disclosing telegraph messages	5,000	5
620	Altering telegraph messages	5,000	5
621	Opening telegraph messages	5,000	5
622	Injuring works of art, etc.	500	$\frac{1}{2}$
624	Injuring gas or water pipes	500	$\frac{1}{2}$
625	Drawing water from closed waterworks	500	$\frac{1}{2}$
639	Using information from telegraph messages	5,000	1
640	Clandestinely learning contents of message	5,000	1
641	Bribing telegraph operators	5,000	1
642	Illegally collecting certain tolls	500	$\frac{1}{2}$
643	Violating certain police regulations	500	$\frac{1}{2}$
644	Enticing seamen to desert	500	$\frac{1}{2}$
645	Harboring deserted seamen	500	$\frac{1}{2}$
646	Aiding apprentices to run away	500	$\frac{1}{2}$
647	Vagrancy	500	$\frac{1}{2}$
649	Issuing false certificate of exemption by fire department	500	$\frac{1}{2}$
650	Sending letters threatening to expose	500	$\frac{1}{2}$
372	Nuisance, maintaining	500	$\frac{1}{2}$
43	Oath, refusing to take when offering to vote	500	$\frac{1}{2}$
176	Officer, omission of duty by	500	$\frac{1}{2}$
230	Officer neglecting to prevent duel	1,000	$\frac{1}{2}$
335	Officer refusing to inform or prosecute for gambling	500	$\frac{1}{2}$
361	Officer, cruel treatment of lunatics	500	$\frac{1}{2}$
74	Officer taking reward for deputation (forfeit of and qualification for office, and)	5,000	$\frac{1}{2}$
75	Officer, exercising duties of, wrongfully	500	$\frac{1}{2}$
94	Officer receiving excessive fees	500	$\frac{1}{2}$
97	Officer purchasing judgment	500	$\frac{1}{2}$
143	Officer, neglecting or violating duty by Public Administrator	5,000	2
142	Officer refusing to arrest persons charged with crimes	5,000	5
144	Officer receiving fees for arresting fugitives from justice	500	$\frac{1}{2}$
149	Officer who beats a person under color of authority	5,000	5
167	Officer making false certificate	500	$\frac{1}{2}$
168	Officer disclosing fact of indictment found	500	$\frac{1}{2}$
169	Officer disclosing evidence before Grand Jury	500	$\frac{1}{2}$
359	Officer solemnizing illegal marriage	1,000	1
360	Officer making false return of same	1,000	1
362	Officer refusing to issue or to obey a writ of habeas corpus	500	$\frac{1}{2}$
363	Officer reconfining person discharged	500	$\frac{1}{2}$
364	Officer concealing person from such writ	500	$\frac{1}{2}$
410	Officer neglecting to disperse rioters	500	$\frac{1}{2}$
427	Officer, failure to pay over fines, etc.	500	$\frac{1}{2}$
440	Officer refusing inspection of books	500	$\frac{1}{2}$
521	Officer extorting fees	500	$\frac{1}{2}$
561	Officer, misconduct of corporation	500	$\frac{1}{2}$
561	Officer of savings bank overdrawing account	500	$\frac{1}{2}$
562	Officer of bank insolvent receiving deposit	500	$\frac{1}{2}$
565	Officer refusing inspection of books of corporation	500	$\frac{1}{2}$
566	Officer contracting debt beyond assets of corporation	500	$\frac{1}{2}$
69	Officer, resisting	5,000	5
70	Officer, extortion by executive	500	$\frac{1}{2}$

PUNISHMENTS FOR MISDEMEANORS—CONTINUED.

Section	CRIME.	Fine	County Jail or State Prison
		Dolls.	Years.
102	Officer, retaking goods from custody of	500	$\frac{1}{2}$
107	Officer, escape from	500	$\frac{1}{2}$
145	Officer, delay in presenting arrest of magistrate	500	$\frac{1}{2}$
146	Officer making unlawful arrest	500	$\frac{1}{2}$
147	Officer, inhumanity to prisoners (removal from office, and)	2,000	$\frac{1}{2}$
148	Officer, resisting public	5,000	5
150	Officer, refusing to aid in making arrest	1,000	$\frac{1}{2}$
428	Officer, obstructing, in collecting revenue	500	$\frac{1}{2}$
429	Officer, false representations of Assessor	500	$\frac{1}{2}$
270	Omissions to furnish child necessities	500	$\frac{1}{2}$
293	Omission to bury dead body	500	$\frac{1}{2}$
380	Omission to label drugs, etc. (see felony)	500	$\frac{1}{2}$
176	Omissions of duty by officer	500	$\frac{1}{2}$
176	Omissions of legal obligations	500	$\frac{1}{2}$
338	Pawnbroker acting without a license	500	$\frac{1}{2}$
339	Pawnbroker failing to keep a register	500	$\frac{1}{2}$
340	Pawnbroker, usury by	500	$\frac{1}{2}$
341	Pawnbroker selling prior to time to redeem	500	$\frac{1}{2}$
342	Pawnbroker refusing to disclose particulars	500	$\frac{1}{2}$
343	Pawnbroker refusing inspection to officer	500	$\frac{1}{2}$
177	Penalty, when not punishment is fixed	500	$\frac{1}{2}$
379	Piloting on license	500	$\frac{1}{2}$
390	Railroads, neglecting to ring bell	500	$\frac{1}{2}$
391	Railroad engineer intoxicated	500	$\frac{1}{2}$
392	Railroads, putting passenger cars in front of freight (see felony)	500	$\frac{1}{2}$
393	Railroad employes violating duties	500	$\frac{1}{2}$
396	Racing on highways	500	$\frac{1}{2}$
404, 405	Riot defined	2,000	2
409	Remaining after being warned	500	$\frac{1}{2}$
410	Neglecting to disperse	500	$\frac{1}{2}$
406	Rout defined	500	$\frac{1}{2}$
172	Selling liquors near State Prison	500	$\frac{1}{2}$
170	Search warrants maliciously procured	500	$\frac{1}{2}$
397	Selling liquors to Indians	500	$\frac{1}{2}$
303	Selling liquors at theaters	500	$\frac{1}{2}$
304	Selling liquors at camp meetings	500	$\frac{1}{2}$
383	Selling liquors to minors (Statutes —, p. 716)	100	$\frac{1}{2}$
398	Selling tainted food	500	$\frac{1}{2}$
442	Selling firearms, etc., to Indians	500	$\frac{1}{2}$
302	Selling State arms	500	$\frac{1}{2}$
434	Sunday, disturbing religious meetings on	500	$\frac{1}{2}$
431	Taxes, refusing to give Tax Collector name of employé	500	$\frac{1}{2}$
430	Taxes, illegally delivering receipts for poll	500	$\frac{1}{2}$
630	Taxes, making false statements concerning	500	$\frac{1}{2}$
619	Telegraph messages, altering	500	$\frac{1}{2}$
621	Telegraph message, disclosing	5,000	5
639	Telegraph message, opening	5,000	5
638	Telegraph information, using	5,000	5
640	Telegraph message, postponing out of turn	500	$\frac{1}{2}$
474	Telegraph message, clandestinely learning contents	5,000	5
350	Telegraph message, forging	5,000	5
351	Trade marks, counterfeiting	500	$\frac{1}{2}$
355	Trade marks, selling goods with counterfeit	500	$\frac{1}{2}$
356	Trade marks, defacing on wrecked property	500	$\frac{1}{2}$
350	Trade marks, defacing on logs	500	$\frac{1}{2}$
407	Trade marks, refilling casks, etc., bearing	500	$\frac{1}{2}$
133	Unlawful assembly	500	$\frac{1}{2}$
87	Witness, deceiving	500	$\frac{1}{2}$
136	Witness before Legislature	500	$\frac{1}{2}$
333	Witness, preventing attendance of	500	$\frac{1}{2}$
544	Witness of gambling refusing attendance	500	$\frac{1}{2}$
545	Wrecked property, keeping after salvage paid	1,000	1
545	Wrecked property, unlawfully keeping	500	$\frac{1}{2}$

SEC. 101. Every person who rescues or attempts to rescue, or aids another person in rescuing or attempting to rescue, any prisoner from any prison, or from any officer or person having him in lawful custody, is punishable as follows:

1. If such prisoner was in custody upon a conviction of felony punishable with death, by imprisonment in the State Prison not less than one nor more than fourteen years.

2. If such prisoner was in custody upon a conviction of any other felony, by imprisonment in the State Prison not less than six months nor more than five years.

3. If such prisoner was in custody upon a charge of felony, by a fine not exceeding one thousand dollars and imprisonment in the county jail not exceeding two years.

4. If such prisoner was in custody otherwise than upon a charge or conviction of felony, by fine not exceeding five hundred dollars and imprisonment in the county jail not exceeding six months.

SEC. 102. Every person who willfully injures or destroys, or takes or attempts to take, or assists any person in taking or attempting to take, from the custody of any officer or person, any personal property which such officer or person has in charge under any process of law, is guilty of a misdemeanor.

SEC. 105. Every prisoner confined in the State Prison for a term less than for life, who escapes therefrom, is punishable by imprisonment in the State Prison for a term equal in length to the term he was serving at the time of such escape; said second term of imprisonment to commence from the time he would otherwise have been discharged from said prison.

SEC. 106. Every prisoner confined in the State Prison for a term less than for life, who attempts to escape from such prison, is guilty of a felony, and, on conviction thereof, the term of imprisonment therefor shall commence from the time such convict would otherwise have been discharged from said prison.

SEC. 107. Every prisoner confined in any other prison than the State Prison, who escapes or attempts to escape therefrom, is guilty of a misdemeanor.

SEC. 108. Every keeper of a prison, Sheriff, Deputy Sheriff, Constable, or Jailer, or person employed as a Guard, who fraudulently contrives, procures, aids, connives at, or voluntarily permits, the escape of any prisoner in custody, is punishable by imprisonment in the State Prison not exceeding ten years, and fine not exceeding ten thousand dollars.

SEC. 109. Every person who willfully assists any prisoner confined in any prison, or in the lawful custody of any officer or person, to escape, or in an attempt to escape, from such prison or custody, is punishable as provided in section one hundred and eight of this Code.

SEC. 110. Every person who carries or sends into a prison anything useful to aid a prisoner in making his escape, with intent thereby to facilitate the escape of any prisoner confined therein, is punishable as provided in section one hundred and eight of this Code.

SEC. 111. Whenever a trial shall be had of any person under any of the provisions of sections one hundred and five and one hundred and six of this Code, and whenever a convict in the State Prison shall be tried for any crime committed therein, the County Clerk of the county where such trial is had shall make out a statement of all the costs incurred by the county for the trial of such case, and of guarding

and keeping such convict, properly certified to by a Superior Judge of said county, which statement shall be sent to the Board of State Prison Directors for their approval; and after such approval, said Board shall cause the amount of such costs to be paid out of the money appropriated for the support of the State Prison to the County Treasurer of the county where such trial was had.—[*Approved April 6, 1880.*]

SEC. 150. Every male person above eighteen years of age who neglects or refuses to join the posse comitatus or power of the county, by neglecting or refusing to aid and assist in taking or arresting any person against whom there may be issued any process, or by neglecting to aid and assist in retaking any person who, after being arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, being thereto lawfully required by any Sheriff, Deputy Sheriff, Coroner, Constable, Judge, or Justice of the Peace, or other officer concerned in the administration of justice, is punishable by fine of not less than fifty nor more than one thousand dollars.

SEC. 171. Every person, not authorized by law, who, without the consent of the Warden, or other officer in charge of the State Prison, communicates with any convict therein, or brings into or conveys out of the State Prison any letter or writing to or from any convict, is guilty of a misdemeanor.

SEC. 172. Every person who, within two miles of the land belonging to this State upon which the State Prison is situated, or within one mile of the Insane Asylum at Napa, or within one mile of the grounds belonging and adjacent to the University of California in Alameda County, or in the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any vinous or alcoholic liquors, is guilty of a misdemeanor. [*Amendment, approved April 3, 1876.*]

SEC. 220. Every person who assaults another with intent to commit rape, the infamous crime against nature, mayhem, robbery, or grand larceny, is punishable by imprisonment in the State Prison not less than one nor more than fourteen years.

SEC. 286. Every person who is guilty of the infamous crime against nature, committed with mankind or with any animal, is punishable by imprisonment in the State Prison not less than five years.

[Attempts and assaults to commit the offense are indictable—3 Q. B. 180. Consent or non-consent is immaterial—8 Car. & P. 604.]

SEC. 287. Any sexual penetration, however slight, is sufficient to complete the crime against nature.

SEC. 654. An act or omission which is made punishable in different ways by different provisions of this Code may be punished under either of such provisions, but in no case can it be punished under more than one; an acquittal or conviction and sentence under either one bars a prosecution for the same act or omission under any other. In the cases specified in sections six hundred and forty-eight, six hundred and sixty-seven, and six hundred and sixty-eight, the punishments therein prescribed must be substituted for those prescribed for a first offense, if the previous conviction is charged in the indictment and found by the jury.

[Effect of plea of guilty is to confess the offense charged, which includes the previous conviction, and defendant must be sentenced for a felony—49 Cal. 395. See post, § 1158.]

SEC. 663. Any person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime intended or attempted was perpetrated by such person in pursuance of such attempt, unless the Court, in its discretion, discharges the jury and directs such person to be tried for such crime.

SEC. 664. Every person who attempts to commit any crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempts, as follows:

1. If the offense so attempted is punishable by imprisonment in the State Prison for five years or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the State Prison or in a county jail, as the case may be, for a term not exceeding one half the longest term of imprisonment prescribed upon a conviction of the offense so attempted.

2. If the offense so attempted is punishable by imprisonment in the State Prison for any term less than five years, the person guilty of such attempt is punishable by imprisonment in the county jail for not more than one year.

3. If the offense so attempted is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one half the largest fine which may be imposed upon a conviction of the offense so attempted.

4. If the offense so attempted is punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one half the longest term of imprisonment and one half the largest fine which may be imposed upon a conviction for the offense so attempted.

[Attempts included in §§ 216, 217, 220-222, are not included in this section—See Desty's *Crim. Law*, § 12.]

SEC. 665. The last two sections do not protect a person who, in attempting unsuccessfully to commit a crime, accomplishes the commission of another and different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

SEC. 666. Every person who, having been convicted of any offense punishable by imprisonment in the State Prison, commits any crime after such conviction, is punishable therefor, as follows:

1. If the offense of which such person is subsequently convicted is such that, upon a first conviction, an offender would be punishable by imprisonment in the State Prison for any term exceeding five years, such person is punishable by imprisonment in the State Prison not less than ten years.

2. If the subsequent offense is such that, upon a first conviction, the offender would be punishable by imprisonment in the State Prison for five years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the State Prison not exceeding ten years.

3. If the subsequent conviction is for petit larceny, or any attempt to commit an offense which, if committed, would be punishable by imprisonment in the State Prison not exceeding five years, then the person convicted of such subsequent offense is punishable by imprisonment in the State Prison not exceeding five years.

[*Second Conviction*.—A statute providing that a second conviction for petty larceny makes the party guilty of a felony is not *ex post facto*.—45 Cal. 432; 43 Mass.; 3 Gratt. 738.]

SEC. 667. Every person who, having been convicted of petit larceny, or of an attempt to commit an offense which, if perpetrated, would be punishable by imprisonment in the State Prison, commits any crime after such conviction, is punishable as follows:

1. If the subsequent offense is such that, upon a first conviction, the offender would be punishable by imprisonment in the State Prison for life, at the discretion of the Court, such person is punishable by imprisonment in such prison during life.

2. If the subsequent offense is such that, upon a first conviction, the offender would be punishable by imprisonment in the State Prison for any term less than life, such person is punishable by imprisonment in such prison for the longest term prescribed, upon a conviction of such first offense.

3. If the subsequent conviction is for petit larceny, or for an attempt to commit an offense which, if perpetrated, would be punishable by imprisonment in the State Prison, then such person is punishable by imprisonment in such prison not exceeding five years.

SEC. 669. When any person is convicted of two or more crimes before sentence has been pronounced upon him for either, the imprisonment to which he is sentenced upon the second or other subsequent conviction must commence at the termination of the first term of imprisonment to which he shall be adjudged, or at the termination of the second or other subsequent term of imprisonment, as the case may be.

[*Punishment*.—Imprisonment commences on conviction and sentence.—66 N. Y. 343; 6 Baxt. (Tenn.) 539. Imprisonment on a second conviction commences on a termination of the first term of sentence.—22 Cal. 135; 49 id. 463; 5 Day. 175; 11 Met. 581; 5 Eng. 318; 44 Mo. 279; 18 Ohio St. 46; 45 Mo. 331; 13 Pa. St. 631; 1 Va. Cas. 151; 4 Brown P. C. 360; 1 Leach, 441; Law R. 2 Q. B. 379; but see 11 Ind. 389, as in case of pardon or reversal of sentence.—11 Met. 581; 9 Nev. 44; 4 Rawle, 259; 13 Gray, 618.]

SEC. 670. The term of imprisonment fixed by the judgment in a criminal action commences to run only upon the actual delivery of the defendant at the place of imprisonment, and if thereafter, during such term, the defendant by any legal means is temporarily released from such imprisonment and subsequently returned thereto, the time during which he was at large must not be computed as part of such term.

SEC. 671. Whenever any person is declared punishable for a crime by imprisonment in the State Prison for a term not less than any specified number of years, and no limit to the duration of such imprisonment is declared, the Court authorized to pronounce judgment upon such conviction may, in its discretion, sentence such offender to imprisonment during his natural life, or for any number of years not less than that prescribed.

[*Punishment for crime is and ought to be largely in the discretion of the Court*.—56 Ga. 545; 58 id. 200; and the discretion as to what is within the limits of the law is for the judicial discretion.—6 Call. 245.]

SEC. 672. Upon a conviction for any crime punishable by imprisonment in any jail or prison, in relation to which no fine is herein prescribed, the Court may impose a fine on the offender not exceeding two hundred dollars in addition to the imprisonment prescribed.

SEC. 673. A sentence of imprisonment in a State Prison for any term less than for life suspends all the civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during such imprisonment.

SEC. 674. A person sentenced to imprisonment in the State Prison for life is thereafter deemed civilly dead.

SEC. 675. The provisions of the last two preceding sections must not be construed to render the persons therein mentioned incompetent as witnesses upon the trial of a criminal action or proceeding, or incapable of making and acknowledging a sale or conveyance of property.—[*Amendment, approved March 30, 1874; Amendments 1873-4, 435; took effect July 1, 1874.*]

SEC. 676. The person of a convict sentenced to imprisonment in the State Prison is under the protection of the law, and any injury to his person, not authorized by law, is punishable in the same manner as if he was not convicted or sentenced.

SEC. 677. No conviction of any person for crime works any forfeiture of any property, except in cases in which a forfeiture is expressly imposed by law; and all forfeitures to the people of this State, in the nature of a deodand, or where any person shall flee from justice, are abolished.

SEC. 787. The jurisdiction of a criminal action for escaping from prison is in any county of the State.—[*Amendment to Penal Code, April 9, 1880.*]

SEC. 834. An arrest is taking a person into custody, in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private person.

SEC. 835. An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of an officer. The defendant must not be subjected to any more restraint than is necessary for his arrest and detention.

SEC. 836. A peace officer may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

1. For a public offense committed or attempted in his presence.
2. When a person arrested has committed a felony, although not in his presence.
3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.
4. On a charge made, upon a reasonable cause, of the commission of a felony by the party arrested.
5. At night, when there is reasonable cause to believe that he has committed a felony.

SEC. 837. A private person may arrest another:

1. For a public offense committed or attempted in his presence.
2. When the person arrested has committed a felony, although not in his presence.
3. When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

SEC. 838. A magistrate may orally order a peace officer or private person to arrest any one committing or attempting to commit a public offense in the presence of such magistrate.

SEC. 839. Any person making an arrest may orally summon as many persons as he deems necessary to aid him therein.

SEC. 840. If the offense charged is a felony, the arrest may be made on any day, and at any time of the day or night. If it is a misdemeanor, the arrest cannot be made at night, unless upon the direction of the magistrate, indorsed upon the warrant.

SEC. 841. The person making the arrest must inform the person to be arrested of the intention to arrest him, of the cause of the arrest,

and the authority to make it, except when the person to be arrested is actually engaged in the commission of or an attempt to commit an offense, or is pursued immediately after its commission, or after an escape.

SEC. 842. If the person making the arrest is acting under the authority of a warrant, he must show the warrant, if required.

SEC. 843. When the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest.

SEC. 844. To make an arrest, a private person, if the offense be a felony, and in all cases a peace officer, may break open the door or window of the house in which the person to be arrested is, or in which they have reasonable grounds for believing him to be, after having demanded admittance and explained the purpose for which admittance is desired.—[*Amendment, approved March 30, 1874.*]

SEC. 845. Any person who has lawfully entered a house for the purpose of making an arrest may break open the door or window thereof if detained therein, when necessary for the purpose of liberating himself, and an officer may do the same, when necessary for the purpose of liberating a person who, acting in his aid, lawfully entered for the purpose of making an arrest, and is detained therein.

SEC. 846. Any person making an arrest may take from the person arrested all offensive weapons which he may have about his person, and must deliver them to the magistrate before whom he is taken.

SEC. 847. A private person who has arrested another for the commission of a public offense must, without unnecessary delay, take the person arrested before a magistrate, or deliver him to a peace officer.

SEC. 848. An officer making an arrest, in obedience to a warrant, must proceed with the person arrested as commanded by the warrant, or as provided by law.

SEC. 849. When an arrest is made without a warrant by a peace officer or private person, the person arrested must, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the arrest is made, and an information, stating the charge against the person, must be laid before such magistrate.

SEC. 850. A Justice of the Supreme Court, District or County Judge, or the Judge of the Municipal Criminal Court of San Francisco, may, by an indorsement under his hand upon a warrant of arrest, authorize the service thereof by telegraph, and thereafter a telegraphic copy of such warrant may be sent by telegraph to one or more peace officers, and such copy is as effectual in the hands of any officer, and he must proceed in the same manner under it, as though he held an original warrant issued by the magistrate making the indorsement.

SEC. 851. Every officer causing telegraphic copies of warrants to be sent must certify as correct, and file in the telegraph office from which such copies are sent, a copy of the warrant and indorsement thereon, and must return the original with a statement of his action thereunder.

SEC. 854. If a person arrested escape or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and retake him at any time and in any place within the State.

SEC. 855. To retake the person escaping or rescued, the person pursuing may break open an outer or inner door or window of a dwelling-house, if, after notice of his intention, he is refused admittance.

SEC. 969. Section nine hundred and sixty-nine of said Code is hereby repealed.—[*Amendment to Penal Code, April 9, 1880; previous conviction.*]

The language of the repealed section is as follows:

"In charging in an indictment the fact of a previous conviction of a felony, or of an attempt to commit an offense which, if perpetrated, would have been a felony, or of petit larceny, it is sufficient to state: 'That the defendant, before the commission of the offense charged in this indictment, was in [giving the title of the Court in which the conviction was had] convicted of a felony [or of attempt, etc., or of petit larceny.]' If more than one previous conviction be charged in the indictment, the date of the judgment upon each conviction shall be stated, and not more than two previous convictions shall be charged in any one indictment."

SEC. 1025. Section one thousand and twenty-five of said Code is hereby repealed.—[*Amendment to Penal Code, April 9, 1880; previous conviction.*]

The language of the repealed section is as follows:

"When a defendant, who is charged in the indictment with having suffered a previous conviction, pleads either guilty or not guilty of the offense for which he is indicted, he must be asked whether he has suffered such previous conviction. If he answer that he has, his answer shall be entered by the Clerk in the minutes of the Court, and shall, unless withdrawn by consent of the Court, be conclusive of the fact of having suffered such previous conviction in all subsequent proceedings. If he answer that he has not, his answer shall be entered by the Clerk in the minutes of the Court, and the question whether or not he has suffered such previous conviction shall be tried by the jury which tries the issue upon the plea of 'not guilty,' or in case of a plea of 'guilty,' by a jury impaneled for that purpose. The refusal of the defendant to answer is equivalent to a denial that he has suffered such previous conviction. In case the defendant pleads 'not guilty,' and answers that he has suffered the previous conviction, the charge of previous conviction shall not be read to the jury, nor alluded to on the trial."

SEC. 1151. A general verdict upon a plea of not guilty is either "guilty" or "not guilty," which imports a conviction or acquittal of the offense charged in the indictment. Upon a plea of a former conviction or acquittal of the same offense, it is either "for the people" or "for the defendant." When the defendant is acquitted on the ground that he was insane at the time of the commission of the act charged, the verdict must be "not guilty, by reason of insanity." When the defendant is acquitted on the ground of variance between the indictment and the proof, the verdict must be "not guilty, by reason of variance between indictment and proof."—*Amendment, approved March 30, 1874.*

SEC. 1158. Whenever the fact of a previous conviction of another offense is charged in an indictment or information, the jury, if they find a verdict of guilty of the offense with which he is charged, must also, unless the answer of the defendant admits the charge, find whether or not he has suffered such previous conviction. The verdict of the jury upon a charge of previous conviction may be: "We find the charge of previous conviction true," or, "We find the charge of previous conviction not true," as they find that the defendant has or has not suffered such conviction.—[*Amendment to Penal Code, April 9, 1880.*]

[The fact of a previous conviction must be proved on the trial, and be passed upon by the jury. See decision of Supreme Court on page 52 of this pamphlet.]

SEC. 1216. If the judgment is for imprisonment in the State Prison, the Sheriff of the county must, upon receipt of a certified copy thereof, take and deliver the defendant to the Warden of the State Prison. He must also deliver to the Warden the certified copy of the judgment, and take from the Warden a receipt for the defendant.

SEC. 1333. When the testimony of a material witness for the people

is required in a criminal action, before a Court of record of this State, and such witness is a prisoner in the State Prison, or in a county jail, an order for his temporary removal from such prison or jail, and for his production before such Court, may be made by the Court in which the action is pending, or by the Judge thereof; but in case the prison or jail is out of the county in which the application is made, such order shall only be made upon the affidavit of the District Attorney or other person, on behalf of the people, showing that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of the Court or Judge. The order shall be executed by the Sheriff of the county in which it shall be made, whose duty it shall be to bring the prisoner before the proper Court, to safely keep him, and when he is no longer required as a witness, to return him to the prison or jail whence he was taken; the expense of executing such order shall be paid by the county in which the order shall be made.—[*In effect April 1, 1878.*]

SEC. 1346. When a material witness for a defendant, under a criminal charge, is a prisoner in the State Prison, or in the county jail of a county other than that in which the defendant is to be tried, his deposition may be taken, on behalf of the defendant, in the manner provided for in the case of a witness who is sick, and the provisions of the Penal Code, commencing with section thirteen hundred and thirty-five, and ending with section thirteen hundred and forty-five, shall, so far as applicable, govern in the application for and in the taking and use of such deposition. Such deposition may be taken before any magistrate or Notary Public of the county in which the jail or prison is situated; or in case the witness is confined in the State Prison, and the defendant is unable to pay for taking the deposition, before the Warden or Clerk of the Board of Directors of the State Prison, whose duty it shall be to act without compensation. Every officer, before whom testimony shall be taken by virtue hereof, shall have authority to administer, and shall administer, an oath to the witness that his testimony shall be the truth, the whole truth, and nothing but the truth.—[*In effect April 9, 1880.*]

SEC. 1420. When an application is made to the Governor for a pardon, he may require the Judge of the Court before which the conviction was had, or the District Attorney by whom the action was prosecuted, to furnish him, without delay, with a statement of the facts proved on the trial, and of any other facts having reference to the propriety of granting or refusing the pardon.—[*Penal Code.*]

SEC. 1418. He may suspend the execution of the sentence, upon a conviction for treason, until the case can be reported to the Legislature at its next meeting, when the Legislature may either pardon, direct the execution of the sentence, or grant a further reprieve; *provided*, that neither the Governor nor the Legislature shall have power to grant pardons or commutations of sentence in any case where the convict has been twice convicted of felony, after the first day of January, eighteen hundred and eighty, unless upon the written recommendation of a majority of the Judges of the Supreme Court. [Approved February 18, 1880.]

SEC. 1419. He must, at the beginning of every session, communicate to the Legislature each case of reprieve, commutation, or pardon, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon, or

reprieve, and the reasons for granting the same.—[*Approved February 18, 1880.*]

SEC. 1421. At least ten days before the Governor acts upon an application for a pardon, written notice of the intention to apply therefor, signed by the person applying, must be served upon the District Attorney of the county where the conviction was had, and proof, by affidavit, of the service must be presented to the Governor. [*Penal Code.*]

SEC. 1422. Unless dispensed with by the Governor, a copy of the notice must also be published for thirty days from the first publication, in a paper in the county in which the conviction was had. [*Penal Code.*]

SEC. 1423. The provisions of the two preceding sections are not applicable:

1. When there is imminent danger of the death of the person convicted or imprisoned.

2. When the term of imprisonment of the applicant is within ten days of its expiration.—[*Penal Code.*]

SEC. 1547. The Governor may offer a reward, not exceeding one thousand dollars, payable out of the General Fund, for the apprehension:

1. Of any convict who has escaped from the State Prison.

2. Of any person who has committed, or is charged with the commission of, an offense punishable with death.

SEC. 1567. When it is necessary to have a person imprisoned in the State Prison brought before any Court, or a person imprisoned in a county jail brought before a Court sitting in another county, an order for that purpose may be made by the Court, and executed by the Sheriff of the county where it is made.

SEC. 1586. Sheriffs delivering prisoners at the State Prisons must receive all expenses necessary incurred in their transportation, and also a just and reasonable compensation for their own services, the amount of the expenses and compensation in each case to be audited and allowed by the Board of Examiners and paid out of any moneys in the State Treasury appropriated for that purpose, and no further compensation shall be received by Sheriffs for such transportation or services.—[*Approved April 9, 1880.*]

An Act imposing certain duties upon the Governor of the State.

[*Approved April 3, 1876.*]

SECTION 1. The Governor shall offer a standing reward of three hundred dollars (\$300) for the arrest of each person engaged in the robbery of, or in an attempt to rob, any person or persons upon, or having in charge, in whole or in part, any stage-coach, wagon, railroad train, or other conveyance engaged at the time in conveying passengers, or any private conveyance, within this State; the reward to be paid to the person or persons making the arrest, immediately upon the conviction of the person or persons so arrested; but no reward shall be paid except after such conviction.

An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom.

[*Approved March 30, 1874.*]

SECTION 1. The Governor, Lieutenant-Governor, and Secretary of State, the Board of State Prison Directors, are hereby authorized and empowered, and it shall be their duty to cause to be commenced, on or before the first day of October, A. D. eighteen hundred and seventy-four, the building of a Branch State Prison, on the land and at the site conveyed to the State by the Natoma Water and Mining Company, situated near the Town of Folsom, in Sacramento County; also, to commence building and constructing an exterior wall, inclosing not less than five acres of land, around the same.

SEC. 2. The walls of the entire prison structure shall be erected with stone to be taken from the granite quarries situated on the land mentioned in section one of this Act, using convict labor in and about the premises whenever it can be done to advantage; and the said prison structure shall be erected, finished, and completed as speedily after it is commenced as practicable; *provided*, that said Board of State Prison Directors shall first order the erection of a suitable structure for the accommodation of not less than one hundred and fifty convicts within the inclosed prison yard, the same to be in harmony with the general plan adopted for the construction of the branch prison at Folsom.

SEC. 3. The said Board of Directors shall, on or before the fifteenth day of April, A. D. eighteen hundred and seventy-four, cause to be published in a daily newspaper, in the City and County of Sacramento, and City and County of San Francisco, for at least thirty days, a notice to receive plans and specifications, in detail, at a place specified therein, for the construction of a Branch State Prison, to be erected on the land and at the site hereinbefore mentioned, in said Sacramento County, and upon the basis of accommodating not less than five hundred prisoners at one time. The notice shall also state the premium, not to exceed the sum of five hundred dollars, to be awarded to the architect whose plans and specifications for the same may be adopted.

SEC. 4. The said Board of State Prison Directors, on or before the fifteenth day of June, A. D. eighteen hundred and seventy-four, shall adopt plans and specifications for said Branch State Prison, as aforesaid; and on or before the day last before mentioned shall cause to be advertised in a daily newspaper published in the City and County of Sacramento, and in the City and County of San Francisco, for at least thirty days, a notice to receive sealed proposals and bids to construct and erect any part of said Branch State Prison, on the land and at the site aforesaid, in accordance with the plans and specifications which shall have been heretofore adopted by said Board of State Prison Directors for the construction of the same, with the reserved right to reject any and all bids as being too high in price, and advertise anew. The said Board of Directors, on or before the fifteenth day of September, A. D. eighteen hundred and seventy-four, must let to the lowest responsible bidder the contract to construct and erect such part of said prison structure as the said Board of Directors, in their discretion, may think proper, upon condition that such contractor or contractors execute a good and sufficient bond, in double

the amount of his or their bids, to perform such contract of constructing and erecting any part of said prison structure in a skillful and workmanlike manner, and in conformity with the plans and specifications aforesaid, which bond shall be approved by the Board of State Prison Directors.

SEC. 5. The Board of State Prison Directors are hereby authorized to appoint a superintendent of said prison, who shall hold his office during the pleasure of the appointing power, and until his successor is appointed and qualified, whose duty it shall be to superintend and manage the construction and erection of said prison structure, under such rules and regulations as may be prescribed by the Board of State Prison Directors, under the provisions of this Act.

SEC. 6. The Board of State Prison Directors are hereby authorized to cause to be erected on said site mentioned in section one of this Act such temporary prison buildings, yard, and officers' quarters as they may deem necessary for the accommodation of the officers and Guards, and the safe keeping of the prisoners during the time they are employed in the erection of the said permanent prison buildings and wall, or prison structure.

SEC. 7. As soon as temporary quarters and buildings are erected, as provided in section six of this Act, the Board of State Prison Directors shall select a number of prisoners, not less than fifty nor more than five hundred of the number who may be unemployed under contract, and cause them to be removed from the State Prison at San Quentin to said prison near Folsom, and there to be confined and worked in the erection of said prison structure, and such other work and labor as the said Board of Directors shall deem advantageous and proper, during the term or terms of their sentence to the State Prison.

SEC. 8. The provisions of chapter one and two, of title one, part three of the Penal Code, are applicable to and made part hereof, substituting the words "Branch State Prison" for the words "State Prison" whenever occurring in said chapters. The appointment of a prison Warden shall be a permanent appointment, and he shall not be removed from office except for good and sufficient cause.

SEC. 9. All material necessary to be purchased in the construction of said prison structure, and all supplies for the support and maintenance of said Branch State Prison, shall be by contract, and the Board of Directors shall cause to be published in a newspaper published in the county a notice to receive bids therefor, and let the same to the lowest responsible bidder, whenever such material or supplies are needed.

SEC. 10. All salaries paid to officers, Guards, or skilled laborers, and all moneys expended for material, tools, or supplies used in the construction of said Branch State Prison buildings and wall, and in the support and maintenance of said prison, shall be drawn from the State Treasury, in the same manner as moneys are now drawn therefrom for the support and maintenance of the State Prison at San Quentin; and the Board of Directors shall cause to be kept a correct account, in detail, of all moneys secured and disbursed by them in the building, support, and management of said Branch State Prison, and shall, on or before the first day of November in each year, make a full report to the Governor, showing, in detail, all the transactions connected with the construction, management, support, and main-

tenance of said prison, and of the working and conducting of the convicts therein confined.

SEC. 11. The Board of Directors shall collect, or cause to be collected, and receive all moneys due for work and labor furnished to any parties at or from said prison, or from the lease of the labor of convicts therein confined, and pay the same into the State Treasury, and take the Treasurer's receipt therefor; and it shall be the duty of the State Treasurer to place the same in a fund, to be known as the "Folsom Branch State Prison Fund," which, together with all moneys appropriated or obtained by the assessment and levy of taxes upon the value of property for the building, support, and maintenance of said prison, shall be subject to orders of said Board of Directors, to be disbursed in the support of said Branch State Prison.

SEC. 12. The sum of one hundred and seventy-five thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act, and the State Treasurer is hereby directed and required to place the same in the Folsom Branch State Prison Fund, subject to orders for disbursement as hereinbefore provided. Neither the Board of State Prison Directors mentioned in section one of this Act, nor any one acting under or for said Board, shall incur or create any debt or debts, liability or liabilities, under the provisions of this Act; nor shall they make any contract or agreement in relation to the building and construction of the Branch State Prison provided for in this Act, the completion and fulfillment of which will exceed the appropriation made in this section, or the balance of such appropriation unexpended at the time such contract or agreement is entered into. Any violation of the foregoing provisions shall be a misdemeanor, and all such contracts and agreements shall be void.

MISCELLANEOUS.

SEC. 3244. Eight hours of labor constitute a day's work, unless it is otherwise expressly stipulated by the parties to a contract.—[*Statutes 1868, p. 63, Sec. 1.*]

SEC. 3245. Eight hours' labor constitute a legal day's work in all cases where the same is performed under the authority of any law of this State, or under the direction, control, or by the authority of any officer of this State acting in his official capacity, or under the direction, control, or by the authority of any municipal corporation within this State, or of any officer thereof acting as such; and a stipulation to that effect must be made a part of all contracts to which the State or any municipal corporation therein is a party.—[*Statutes 1868, p. 63, Sec. 2.*]

SEC. 3259. A day is the period of time between any midnight and the midnight following.—[*Political Code.*]

SEC. 3738. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States.—[*Revised Statutes United States.*]

OPINION OF THE ATTORNEY-GENERAL.

CREDITS TO SECOND-TERM CONVICTS.

In reply to a letter about withholding "credits" from convicts serving a second term of imprisonment, under the inhibition of Article VII of the Constitution, the Attorney-General sent the following telegram and letter:

SACRAMENTO, November 14, 1881.

General John McComb:

In my opinion, the constitutional provision referred to does not apply to giving of credits in cases where the law in force at time of conviction authorized those credits.

A. L. HART.

SACRAMENTO, California, November 15, 1881.

General John McComb, Warden Folsom Prison:

DEAR SIR: Your letter of yesterday, asking a more full opinion than that contained in my telegram, received.

In my opinion, there is no force in the suggestion that the restraint upon the pardoning power of the Governor and Legislature, contained in Article VII, Constitution, applies only to cases of second-term convicts whose convictions were both subsequent to the adoption of the Constitution. On the contrary, I think it applies to every case where the last conviction was subsequent to the adoption of the Constitution, and it may be held to apply to all cases regardless of the date of the conviction.

I do not, however, view an Act granting to convicts credits for good behavior, as does the Goodwin Act, as being a "commutation of sentence," when applied to the case of a convict tried and sentenced subsequently to the passage of this Act. It could not well be said that the sentence of a convict had been "commuted" long before even the crime had been committed which resulted in his being adjudged a convict. It may be assumed in every case that such sentence is pronounced as the merits of the case demand, having in view the facts, and also all laws in force at time of sentence, including the law, if there be any such at the time, allowing to the convict the privilege of shortening the time of his incarceration by his good behavior.

In this view of the question, there is not, in my opinion, any constitutional inhibition upon the legislative power to pass an Act which shall permit the giving to all persons convicted subsequent to the passage of the Act the privilege of shortening the term of imprison-

ment by good behavior while incarcerated. Such law could be made to apply as well to those serving a second term as to others. But should the law be made to apply to the cases of those convicted before its enactment, then, in my opinion, so much of it as did so would amount to a "commutation of sentence," and open to the objection that the pardoning power belongs to the Executive, not to the legislative department of the State government.

By adding the foregoing to what I stated in my telegram of yesterday, I think you will be able to fully know my opinion on the questions you have been pleased to submit to me.

I have the honor to remain respectfully yours,

A. L. HART,
Attorney-General.

CONDITIONAL PARDONS

OPINIONS OF THE SUPERIOR AND SUPREME COURTS.

*In the Superior Court of the County of Sacramento, State of California.
Ex parte E. MARKS, on habeas corpus.*

OPINION.—This is a proceeding upon habeas corpus. The prisoner was convicted of murder in the second degree and sentenced to twelve years imprisonment. The conviction was in the Superior Court of Mendocino County. An application was made to Governor Perkins, just before his term of office expired, to pardon the prisoner, and upon that application it was represented to the Governor that the prisoner was considered a half idiot; and that his brothers and relatives were able and willing to send the prisoner to Poland; that his parents resided there and would take care of him. His brothers are wealthy merchants, fully able to furnish means to send the prisoner to Poland, and to support him there with their parents, and this they agreed to do if the Governor would pardon him. Upon these representations the Governor granted the pardon, conditionally that the prisoner should leave the State never to return. The prisoner was represented to the Governor as about a half idiot and requiring the care of his relatives. All of these facts appear from the recitals in the pardon and other evidence adduced at the hearing. But from the evidence before me I am not satisfied that he is in any sense *idiotic*. The pardon was granted on the third day of January, 1883. A few days thereafter one of the brothers went to Folsom where the prisoner was confined, and offered him the pardon; and at the same time informed him of the representations made to the Governor to induce him to grant the pardon, and the willingness of himself and brother to furnish him money to pay his expenses to Poland and sufficient annually to support him. He refused to accept the pardon on those conditions; but he was willing to accept the pardon if his brothers would give him a sum of money and let him go where he might see fit to go; but he refused to accept the pardon on condition that he should leave the State unless he was allowed at least *eighty* days to go at large unrestrained of his personal liberty, in the State, before he should leave. He said he had some business to settle before he should go, and upon being asked what it was he refused to state, saying "that was his own affair." The Warden of the prison, General McComb, refused to allow him the time demanded, and he then refused to accept the pardon. The brother then left. Afterwards the prisoner informed General McComb that if his brothers would furnish him the means to go to Poland, and to support him

there, he would accept the pardon and go, requesting General McComb to write to his brothers and to so inform them. He did so. Both of his brothers, in response to the General's letter, went to Folsom and expressed their willingness to do as they had offered to do. They seemed anxious to make good the representations which they had made to the Governor upon which he had been induced to grant the pardon. In the presence of General McComb, the prisoner agreed, that if he should be released from prison, to go at once from the State and to Poland, as his brothers desired. Upon that agreement he was turned over to the custody of his brothers, who brought him to Sacramento and offered to buy him a ticket to New York and give him sufficient money to pay his expenses on the way; they had arranged with friends in New York to buy a ticket for him to Europe and furnish him with sufficient money to pay his expenses thence; and of this they informed him; but he refused to go. He demanded a thousand dollars, and would not go without it; he finally said if they would give him two hundred and fifty dollars he would go out of the State; but otherwise he would not do it. His brothers refused to give him the money and then turned him over to the Chief of the Police of the City of Sacramento and telegraphed to the Warden of the State Prison, General McComb, to send for him and put him back in prison, which was accordingly done. The Warden returns to the writ of habeas corpus that he holds the prisoner under the judgment of conviction. These are the material facts.

The counsel for the prisoner contend:

1. That the prisoner is entitled to be discharged from custody and a reasonable time to quit the State.
2. That he cannot be imprisoned in execution of the judgment of conviction without a judicial determination of the non-performance of the condition of the pardon.

Neither of these propositions can be sustained in this proceeding. It is very doubtful whether the brothers had any authority to deliver the pardon to the prisoner without making good their representations to the Governor by which he was induced to grant it. The rule upon this point is thus stated, 4 Blackstone Com. 400: "Next it is a general rule that whenever it may reasonably be presumed the King is deceived, the pardon is void. Therefore any suppression of truth or suggestion of falsehood in a charter of pardon will vitiate the whole; for the King was misinformed. General words have also a very imperfect effect in pardons." There is no doubt that a pardon fraudulently procured is void. If the prisoner in this case refuses to abide by and make good the representations made by his brothers in his behalf by which the pardon was obtained, but still claims the benefit of the pardon upon the theory that it had taken effect beyond recall, it would be a fraud upon the Executive Department of the Government, and the pardon would be void. (State vs. McIntire, 1 Jones, N. C., 1; Com. vs. Halloway, 44 Penn. St. 210.) But a pardon must be delivered and *accepted* to give it validity. And neither was done in this case. The delivery was *conditional*, and there was *no* acceptance.

United States vs. Wilson, 7 Pet. 150.
Ex parte Wells, 18 How., U. S. 314.
State vs. Potter, 1 Park. Cr. Rep. 47.
State vs. Smith, 1 Bailey, 283.

There can be no doubt that the Governor may annex such conditions to a pardon as he may see fit, and before the pardon can take effect all conditions precedent must be complied with and fully performed by the prisoner. If the conditions are illegal, immoral, or impossible, they are void; but in such case the pardon is also void.

Ex parte Wells, 18 How., U. S. 314.
State vs. Smith, 1 Bailey, 283.

The reason of the rule that when the condition is void the pardon is void, is, that as the prisoner is not bound to accept the pardon and there is no means of enforcing the condition, the performance by the prisoner of the condition is the only conclusive evidence of the assent of the prisoner to the pardon. It is contended by the prisoner's counsel that he has a reasonable time in which to perform the condition in the pardon in this case, and in the meantime is entitled to his personal liberty and to go at large in the State; but the answer to this proposition is this: the condition that the prisoner should leave the State is a condition precedent, and until it is performed the pardon is inoperative and does not take effect, and until the pardon takes effect the judgment under which the prisoner was imprisoned remains in force, and while it remains in force the prisoner is not entitled to his personal liberty unrestrained by the proper authorities. This must be so upon every known principle of good government. If it were not so, a prisoner might feign or pretend to accept a pardon upon condition that he would leave the State, only to get his liberty long enough to murder an enemy, or commit some other offense, and then take the chances of detection. But we need look no further than the condition itself to find a reason for restraining the prisoner of his personal liberty *even* while he is performing the condition; because the Governor in his act of grace towards the prisoner has said to him in effect, "while mercy releases you from within your prison walls, the safety of society requires that you should not mingle with the people of the State." There is no constitutional or statutory regulation as to how a prisoner shall be sent out of the State who is pardoned upon condition that he shall not remain in it. We must, therefore, look to the common law for our guide. At the common law when a pardon was granted upon conditions, the prisoner was required to enter into recognizance with sureties that he would perform the conditions of the pardon (1 Chit. Cr. L. 773, 774); and where the prisoner was not put under bail, but the condition of the pardon was that the offender should quit the country or be transported beyond sea, the prisoner was not set at large until he was beyond sea, nor was any warrant necessary to authorize the persons having charge of the offender *en route* to his place of destination beyond sea to restrain him of his liberty; and a verbal command was a sufficient authority. So held in Leonard Watson's case (9 Adol. & Ellis, 731). The principle of this case is affirmed in Ex parte Wells, 18 How., U. S. 314.

Then, while the brothers of the prisoner had him in custody for the purpose of sending him beyond the State, under the direction of the Warden of the State's Prison, he was in the custody of the law; and when he was returned to the prison by them, because he refused to go out of the State, in violation of his agreement, he was in custody of the Warden and imprisoned under the judgment of conviction.

It is not necessary that a prisoner, while in the performance of the condition of the pardon requiring him to depart from the State, should be in charge of an officer of the law, other than a private person authorized by the Governor to see that the condition should be performed in good faith; and the pardoning power is so comprehensive that the Governor may provide for the removal of the prisoner before granting the pardon, or afterwards; and when the Governor has not made any special provision for it, the Warden of the prison may put the prisoner in charge of any suitable person to see that he departs from the State in the performance of the condition; and when such condition precedent is performed, the pardon takes effect and supersedes the judgment, subject to be defeated upon the prisoner returning to the State in violation of the condition that he shall *never* return, which is a condition subsequent.

The second proposition of the attorneys for the prisoner is answered by what has already been said. As the prisoner has never been released from the custody of the law, though he was released from within the prison walls, he is in custody of the Warden under the judgment of conviction. There is no proceeding in this State to determine whether a prisoner has accepted a pardon and performed the condition precedent other than the writ of habeas corpus. If in this proceeding it had been found that the prisoner had accepted the pardon and in good faith had performed its conditions, it would have been my duty to discharge him; but otherwise not so. For a violation of a condition subsequent, the Governor might issue his warrant for the arrest of the prisoner by reason of the comprehensiveness of the pardoning power. This is so in analogy to the right of a party to a contract to rescind it when the other party has refused to perform it.

Arthur vs. Craig, 30 Am. Rep. 395.
Lee vs. Murphy, 12 Am. 563.

But if the brothers, in whose charge the prisoner had been placed, had no authority to return the prisoner in obedience to the direction of the Warden, it is sufficient to say that he is now legally in custody under the judgment of conviction, and therefore must be remanded to the custody of the Warden without regard as to how he was returned to his custody.

State vs. Smith, 1 Bailey, 283.

Let the prisoner be remanded to the custody of the Warden at the State Prison at Folsom.

JOHN W. ARMSTRONG,
Superior Judge of Sacramento County.

The case was then taken to the Supreme Court on habeas corpus, and argued at length by counsel. The decision is annexed.

[Filed July 24, 1883.]

In the Supreme Court, in Bank.—Ex parte MARKS.—No. 10845.

The petitioner, who was undergoing imprisonment in the State Prison under judgment of conviction of the crime of murder in the second degree, was, by the Governor of the State, granted a pardon upon condition that he forthwith leave the State and never return thereto. The Governor, it seems, was induced to grant the pardon upon representations made to him to the effect that the prisoner was partly idiotic, that his parents resided in Poland and would take care of him if permitted to go to them, and that he had brothers of wealth in this State who would furnish him with the means necessary to take him there and would thereafter provide for his support. The pardon was given by the Governor to the Warden of the prison to be by him delivered to the prisoner whenever the same was properly accepted. Upon its receipt the Warden tendered the pardon to the prisoner, who refused to accept it unless it should be stipulated that he should be permitted to remain in the State for the period of eighty days after his discharge from the prison. The result, of course, was that he remained incarcerated. Some weeks afterward he indicated to the Warden—who meanwhile had retained the pardon in his possession—his willingness to accept it and to faithfully perform the conditions upon which it was granted. Upon this representation, and upon the prisoner's promise to leave the State on the train going East the following evening, the Warden handed him the pardon and released him from custody. His brothers thereupon offered him sufficient funds to take him to his parents in Poland, but he refused to go as he had promised, but declared his intention to remain in California unless his brothers gave him one thousand dollars. Thereupon he was again taken into custody by the Warden, and now claims the right to be discharged on habeas corpus.

We think it clear that he is not entitled to be so discharged. There is no doubt that the Governor was authorized to grant the pardon upon the conditions stated, for he is by the Constitution empowered to make such grants "upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons." Sec. 1, Art. VII, Constitution.

The pardon in question contained two conditions—one, that the prisoner should forthwith leave the State; the other, that he should never return to the State. The one was a condition precedent; the other, a condition subsequent. That is to say, the Governor in effect said to the prisoner: By virtue of the power vested in me by the Constitution, I exempt you from the punishment the law inflicts for the crime you have committed, *provided* you forthwith leave the State, and provided, further, you never return to the State. Until he actually leaves the State the pardon does not become operative at all. This must be so from the very nature of the first condition attached to it. When that condition is performed, the pardon becomes operative, but it nevertheless remains subject to be defeated by the breach of the condition subsequent, to wit: by the prisoner's subsequent

return to the State. (1 Bishop on Criminal Law, Sec. 760; *Ex parte Wells*, 18 Howard, 311; *State vs. Smith*, 1 Bailey's S. C. R. 283; *Lee vs. Murphy*, 22 Gratt. 789; *Flavel's Case*, 8 Watts & Sergeant, 197.) The pardon, therefore, never having taken effect, it results that the prisoner is not entitled to his discharge. It is no answer to say that the pardon was *delivered* to the prisoner. Apart from what has been already said, delivery of such an instrument is not complete without an acceptance in good faith. The *bad* faith of the prisoner was demonstrated almost as soon as he got out of prison. Besides, the pardon was given to the prisoner by the Warden upon the distinct agreement on his part to leave the State on the train going east the following evening. The subsequent conduct of the prisoner showed that he had no intention of doing any such thing. A pardon obtained by misrepresentation amounting to fraud is void. (1 Bishop on Criminal Law, Secs. 753-4.) Nor is there any force in the suggestion that in such cases the person pardoned may be deprived of the opportunity to comply with the conditions of the pardon. No Court has the power to compel any executive officer to afford the person to whom a pardon has been conditionally granted an opportunity to comply with the conditions, for that would be to exercise the pardoning power in part. When the pardon has once taken effect, then the party to whom it is extended acquires a right which the Courts can, and will, of course, protect. There is no reason, however, to suppose that in any case any executive officer would refuse to afford the party to whom a conditional pardon should be granted an opportunity to comply with the conditions, and thereby secure its benefits. Every presumption is the other way. Should the fact be otherwise in any case, perhaps some means might be discovered for giving effect to the Governor's power. At all events, in the present case, ample opportunity was given the prisoner, which, instead of availing himself of, he abused.

Let the prisoner be remanded to the custody of the Warden.

ROSS, J.

We concur:

SHARPSTEIN, J.
MYRICK, J.
THORNTON, J.

PREVIOUS CONVICTION.

THE FACT OF A PREVIOUS CONVICTION MUST BE PROVED ON TRIAL
AND BE PASSED UPON BY THE JURY.

In the Supreme Court, in Bank. (Filed November 26, 1883.)

THE PEOPLE VS. KING.—(No. 10807.)

The defendant was convicted of petit larceny upon an information which charged him with the commission of grand larceny, and with having suffered a previous conviction for felony. At his arraignment he admitted that the charge of a previous conviction was true; and upon the verdict rendered against him and his admission of the former conviction, the Court sentenced him to imprisonment in the State Prison for a term of five years.

The sentence was imposed under Subdivision 3, Section 666, of the Penal Code. By the provisions of that section, when a defendant in a criminal case is convicted of grand or petit larceny, after having suffered a previous conviction for felony, the Court in which the conviction is had is authorized to punish him by imprisonment in the State Prison not exceeding five years. A conviction for petit larceny and a former conviction for grand larceny, therefore, subjects a party to be punished as for a felony. Such legislation has been held constitutional. (*Ex parte Gutierrez*, 45 Cal. 429; *Plumbly vs. Comm.*, 2 Met. 413.) The increased punishment is not regarded as a part of the penal consequences of the first offense, but applies exclusively to the last as aggravated by the repetition of the same offense.

But although the information against the defendant contained a charge of a previous conviction of grand larceny, there was not, at the time the information was made and filed, or when the defendant was arraigned upon it, any existing law which required the Court to ask the defendant whether he had suffered such a previous conviction, and permitted him to answer that he had or had not.

Before April 9, 1880, there was a section of the Penal Code which provided that, "in charging in an indictment the fact of a previous conviction of a felony * * * it is sufficient to state: 'That the defendant, before the commission of the offense charged in this indictment, was in (giving the title of the Court, etc.), convicted of a felony * * *'" (Sec. 969, Pen. C., 1873-4.) There was also a section which provided as follows: "When a defendant, who is charged in the indictment with having suffered a previous conviction, pleads either guilty or not guilty of the offense for which he is indicted, he must be asked whether he has suffered such previous

conviction. If he answer that he has, his answer shall be entered by the Clerk in the minutes of the Court, and shall, unless withdrawn by consent of the Court, be conclusive of the fact of having suffered such previous conviction in all subsequent proceedings. If he answer that he has not, his answer shall be entered by the Clerk in the minutes of the Court, and the question whether or not he has suffered such previous conviction shall be tried by the jury which tries the issue upon the plea of 'not guilty,' or in case of a plea of 'guilty,' by a jury impaneled for that purpose. The refusal of the defendant to answer is equivalent to a denial that he has suffered such previous conviction. In case the defendant pleads 'not guilty,' and answers that he has suffered the previous conviction, the charge of previous conviction shall not be read to the jury, nor alluded to on the trial." (Section 1025, Penal Code, 1873-4.)

The Court below proceeded against the defendant under the last section. When the defendant appeared for arraignment he was asked by the Court whether he had suffered the previous conviction charged in the information, and he answered that he had, but that he was not guilty of the subsequent offense with which he was charged. According to the section referred to, that made but a single issue to be tried by the jury, namely, the guilt or innocence of the subsequent offense.

But both sections, 969 and 1025, were absolutely repealed on April 9, 1880 (Amendments to Penal Code, pages 15, 19), and there was no substituted legislation which authorized the proceeding which was taken against the defendant as to the charge against him of the previous conviction. The question asked him at the time of his arraignment was therefore illegal. He was not legally bound to answer it; and his answer could not be used against him, as the equivalent of a verdict of guilty, upon which, in connection with a verdict of petit larceny, he could be adjudged guilty of felony and punished.

Manifestly, the Legislature intended that a previous conviction of grand larceny, followed by a subsequent commission of the same offense, or of petit larceny, should constitute an aggravated offense, for which the offender ought to be punished as for a felony. But the charge of the previous conviction which entered into and made part of the aggravated offense was one to which the accused had the right to plead, and for which he had the right to be tried as in other cases.

It is true that Section 1158 of the Penal Code provides: "Whenever the fact of a previous conviction of another offense is charged in an indictment or information, the jury, if they find a verdict of guilty of the offense for which the defendant is indicted or informed against, must also find whether or not he has suffered such previous conviction, unless the answer of the defendant admits the charge," etc. But that exception to the rule requiring the trial of an issue of fact, having been swept away by the repeal of the section of the Code which required such an answer to be made, the defendant stood for trial upon his plea of "not guilty," and he could be tried only upon the issue raised by that plea, and be convicted only by a verdict of the jury that tried him. No person accused of a public offense can be required by an unauthorized question asked him at his arraignment to criminate himself. (Section 688, Penal Code.) Nor can he be tried or convicted under the provisions of a law which has been repealed; nor can he be convicted unless by the verdict of a jury accepted and recorded by the Court, or upon a plea of "guilty," etc. (Sec. 689, *supra*.)

Where, therefore, a person who has been convicted of a public offense, punishable by imprisonment in the State Prison, commits another offense after such conviction, it is necessary, since the repeal of Sections 966 and 1025 of the Penal Code, in proceeding against him by indictment or information, not only to charge the facts of the previous conviction and subsequent commission of crime, but to prove them. The defendant must plead to both charges; and, upon the issue raised by his plea, both must be proved on his trial, and be passed upon by the jury. There is no other mode of proving the facts. "A more severe penalty is denounced by the statute for a second offense; and all the facts to bring the case within the statute must be established on the trial." (The People vs. Johnson, 55 N. Y. 514.) And the jury must by their verdict find the charge of a previous conviction true or not true. (Section 1158, supra.) Until there is such a verdict there can be no judgment of conviction upon the charge; and no punishment for an offense of which there has been no conviction. Being convicted only of petit larceny, the defendant was punishable under Section 490 of the Penal Code by fine or by imprisonment in the county jail, or by both, within the limits fixed by the law; but he was not punishable as for a felony under Subdivision 3, Section 666, supra. The judgment pronounced was therefore erroneous.

Judgment reversed and cause remanded with directions to the Court below to pronounce sentence within the limits prescribed by Section 490 of the Penal Code.

We concur:

ROSS, J.,
SHARPSTEIN, J.,
THORNTON, J.

I concur in the judgment:

McKINSTRY, J.

McKEE, J.

CREDITS TO CONVICTS, BY STATUTE.

For good behavior and faithful observance of the rules of the prison, the following credits are given to convicts by the statute of 1880. Any portion of the credits may be taken away by the Directors in case of violation of the provisions of the law or regulations.

Sentence, in Years.	Credits, in Months.	Actual Time of Sen- tence, when Reduced by Credits.		Sentence, in Years.	Credits, in Months.	Actual Time of Sen- tence, when Reduced by Credits.	
		Years.	Months.			Years.	Months.
One	2	-----	10	Twenty-six	122	15	10
Two	4	1	8	Twenty-seven	127	16	5
Three	8	2	4	Twenty-eight	132	17	-----
Four	12	3	-----	Twenty-nine	137	17	7
Five	17	3	7	Thirty	142	18	2
Six	22	4	2	Thirty-one	147	18	9
Seven	27	4	9	Thirty-two	152	19	4
Eight	32	5	4	Thirty-three	157	19	11
Nine	37	5	11	Thirty-four	162	20	6
Ten	42	6	6	Thirty-five	167	21	1
Eleven	47	7	1	Thirty-six	172	21	8
Twelve	52	7	8	Thirty-seven	177	22	3
Thirteen	57	8	3	Thirty-eight	182	22	10
Fourteen	62	8	10	Thirty-nine	187	23	5
Fifteen	67	9	5	Forty	192	24	-----
Sixteen	72	10	-----	Forty-one	197	24	7
Seventeen	77	10	7	Forty-two	202	25	2
Eighteen	82	11	2	Forty-three	207	25	9
Nineteen	87	11	9	Forty-four	212	26	4
Twenty	92	12	4	Forty-five	217	26	11
Twenty-one	97	12	11	Forty-six	222	27	6
Twenty-two	102	13	6	Forty-seven	227	28	1
Twenty-three	107	14	1	Forty-eight	232	28	8
Twenty-four	112	14	8	Forty-nine	237	29	3
Twenty-five	117	15	3	Fifty	242	29	10

MONTHLY CREDIT TABLE.

Sentence.		Credits.			Actual Time of Sentence, when Reduced by Credits.		
Years.	Months.	Years.	Months.	Days.	Years.	Months.	Days.
-----	One	-----	-----	5	-----	-----	26
-----	Two	-----	-----	10	-----	1	20
-----	Three	-----	-----	15	-----	2	16
-----	Four	-----	-----	20	-----	3	11
-----	Five	-----	-----	25	-----	4	6
-----	Six	-----	-----	30	-----	5	-----
-----	Seven	-----	-----	35	-----	5	25
-----	Eight	-----	-----	40	-----	6	23
-----	Nine	-----	-----	45	-----	7	19
-----	Ten	-----	-----	50	-----	8	14
-----	Eleven	-----	-----	55	-----	9	6
-----	Twelve	-----	-----	60	-----	10	-----
One	One	-----	2	5	-----	10	26
One	Two	-----	2	10	-----	11	20
One	Three	-----	2	15	-----	1	16
One	Four	-----	2	20	-----	1	10
One	Five	-----	2	25	-----	1	6
One	Six	-----	3	-----	-----	1	3
One	Seven	-----	3	5	-----	1	26
One	Eight	-----	3	10	-----	1	21
One	Nine	-----	3	15	-----	1	16
One	Ten	-----	3	20	-----	1	10
One	Eleven	-----	3	25	-----	1	6
Two	-----	-----	4	-----	-----	1	8
Two	One	-----	4	10	-----	1	8
Two	Two	-----	4	20	-----	1	9
Two	Three	-----	5	-----	-----	1	10
Two	Four	-----	5	10	-----	1	10
Two	Five	-----	5	20	-----	1	11
Two	Six	-----	6	-----	-----	2	-----
Two	Seven	-----	6	10	-----	2	20
Two	Eight	-----	6	20	-----	2	10
Two	Nine	-----	7	-----	-----	2	2
Two	Ten	-----	7	10	-----	2	20
Two	Eleven	-----	7	20	-----	2	10
Three	-----	-----	8	-----	-----	2	4
Three	One	-----	8	10	-----	2	4
Three	Two	-----	8	20	-----	2	5
Three	Three	-----	9	-----	-----	2	6
Three	Four	-----	9	10	-----	2	6
Three	Five	-----	9	20	-----	2	7
Three	Six	-----	10	-----	-----	2	8
Three	Seven	-----	10	10	-----	2	8
Three	Eight	-----	10	20	-----	2	9
Three	Nine	-----	11	-----	-----	2	10
Three	Ten	-----	11	10	-----	2	10
Three	Eleven	-----	11	20	-----	2	11
Four	-----	-----	1	-----	-----	3	-----
Four	One	-----	1	12 $\frac{1}{2}$	-----	3	17 $\frac{1}{2}$
Four	Two	-----	1	25 $\frac{1}{2}$	-----	3	5 $\frac{1}{2}$
Four	Three	-----	1	8 $\frac{1}{2}$	-----	3	22 $\frac{1}{2}$
Four	Four	-----	1	21	-----	3	2
Four	Five	-----	1	2 $\frac{3}{4}$	-----	3	2
Four	Six	-----	1	15 $\frac{1}{2}$	-----	3	27 $\frac{1}{2}$
Four	Seven	-----	1	28 $\frac{1}{2}$	-----	3	15 $\frac{1}{2}$
Four	Eight	-----	1	10	-----	3	2 $\frac{1}{2}$
Four	Nine	-----	1	22 $\frac{3}{4}$	-----	3	21
Four	Ten	-----	1	5 $\frac{1}{2}$	-----	3	8 $\frac{1}{2}$
Four	Eleven	-----	1	18 $\frac{1}{2}$	-----	3	25 $\frac{1}{2}$
Five	-----	-----	1	5	-----	3	12 $\frac{3}{4}$

MONTHLY CREDIT TABLE, FOR SENTENCES OVER FIVE YEARS.

Sentence.	Credits.		Actual Time of Sentence, when Reduced.	
Months.	Months.	Days.	Months.	Days.
One -----	-----	12 $\frac{1}{2}$	-----	17 $\frac{1}{2}$
Two -----	-----	25 $\frac{1}{2}$	1	5 $\frac{1}{2}$
Three -----	1	8 $\frac{1}{2}$	1	22 $\frac{3}{4}$
Four -----	1	21	2	10
Five -----	2	2 $\frac{3}{4}$	2	27 $\frac{1}{2}$
Six -----	2	15 $\frac{1}{2}$	3	15 $\frac{1}{2}$
Seven -----	2	28 $\frac{1}{2}$	4	2 $\frac{3}{4}$
Eight -----	3	10	4	21
Nine -----	3	22 $\frac{3}{4}$	5	8 $\frac{1}{2}$
Ten -----	4	5 $\frac{1}{2}$	5	25 $\frac{1}{2}$
Eleven -----	4	18 $\frac{1}{2}$	6	12 $\frac{3}{4}$
Twelve -----	5	-----	7	-----

LIST OF PRISONERS ALPHABETICALLY

IN STATE PRISON AT FOLSOM.

No.	Name.	Crime.	County.	Term.	Expiration.
102	Acker, John	Grand larceny	Sonoma	21 1/2	Sept. 15, 1885
235	Arata, John	Manslaughter	Mariposa	6	Sept. 21, 1884
237	Alviso, Juan	Murder, 2d degree	San Diego	13	March 1, 1888
311	Arnnen, Gustave	Burglary, 1st degree	Sacramento	5	Sept. 10, 1884
381	Arrya, Pedro José	Robbery	El Dorado	6	Jan. 4, 1886
510	Allen, William	Grand larceny	Monterey	4	Sept. 16, 1885
526	Aleck, Jim	Murder, 1st degree	Amador	Life	
560	Armstrong, William	Robbery	San Francisco	5	Oct. 21, 1886
574	Anna, H. M.	Burglary	El Dorado	3	Aug. 5, 1885
605	Anderson, James	Grand larceny	Tehama	7	Feb. 19, 1888
612	Alberts, Peter	Robbery	San Francisco	10	Dec. 12, 1889
613	Ah Park, Toy	Murder, 1st degree	San Francisco	Life	
618	Applegate, W. C.	Manslaughter	Colusa	10	Dec. 20, 1889
635	Abbott, Charles	Murder, 1st degree	San Francisco	Life	
23	Brown, Charles*	Robbery	Sonoma	11	July 17, 1888
105	Bancroft, J.	Burglary, 1st and 2d deg.	Sonoma	12	June 23, 1886
109	Brown, Thomas	Robbery	Shasta	17	April 22, 1888
170	Banks, Thomas	Murder, 2d degree	San Francisco	25	June 20, 1890
386	Brown, James	Arson, 2d degree	Sacramento	5	June 26, 1885
420	Bull, John	Grand larceny	Santa Barbara	5	Sept. 26, 1885
421	Bennett, Charles	Murder, 2d degree	Fresno	20	June 13, 1894
435	Burk, E. C.	Grand larceny, 2 comts.	Fresno	15	Mar. 12, 1890
442	Brand, Frederick	Robbery	San Francisco	15	April 21, 1891
454	Bockhoff, G. A.	Felony	Sacramento	8	Sept. 26, 1885
456	Busby, Joseph	Murder, 2d degree	San Francisco	10	Feb. 6, 1884
492	Bohannan, James	Robbery	Nevada	7	Mar. 27, 1887
506	Belardez, Juan	Grand larceny	Santa Clara	2	May 1, 1884
545	Burns, Dennis	Burglary, 1st degree	Colusa	5	July 16, 1886
548	Brown, John	Burglary, 1st degree	Sacramento	10	June 28, 1889
558	Burk, Charles	Burglary	Yuba	1	Jan. 20, 1884
561	Blumer, Mathias	Murder, 1st degree	Yuba	Life	
570	Burns, Thomas	Burglary, 1st degree	San Francisco	5	Nov. 3, 1886
577	Brann, Charles	Burglary, 2d degree	San Francisco	3	Aug. 10, 1885
589	Bennett, Alphonso	Murder, 2d degree	Solano	15	Sept. 28, 1892
601	Brannan, John	Burglary, 1st degree	San Francisco	15	Oct. 15, 1892
637	Esse, Charles	Burglary, 2d degree	Sacramento	1	July 6, 1884
654	Benson, H. C.	Grand larceny	Los Angeles	5	May 4, 1887
665	Bryant, Cad	Robbery	San Francisco	20	Feb. 23, 1896
244	Cooney, John*	Robbery	Santa Clara	5	Nov. 22, 1885
246	Carlton, Joseph	Petit larceny and pr. fel.	San Joaquin	4	Nov. 28, 1883
247	Cordiell, Juan	Felony	Alameda	8	Feb. 28, 1886
379	Camelio, Angel	Petit larceny and prior	Santa Clara	3 1/2	July 1, 1884
390	Carnac, Daniel	Burglary, 1st degree	Stanislaus	6	Feb. 12, 1886
394	Cantine, G. A.	Grand larceny	Nevada	3	April 28, 1884
413	Cataldo, Romaldo	Murder	Calaveras	Life	
425	Crawford, J. A.	Murder, 1st degree	Plumas	Life	
428	Coleman, James	Felony and robbery	Butte	7	April 5, 1886
439	Compton, John	Burglary, 1st degree	San Joaquin	3	June 3, 1884
538	Cone, W. H.	Felony	Tehama	2	July 29, 1884

* Lost his credits.

LIST OF PRISONERS ALPHABETICALLY—CONTINUED.

No.	Name.	Crime.	County.	Term.	Expiration.
546	Cofferian, Charles	Burglary, 2d degree	Yuba	2	Aug. 24, 1884
562	Craft, G. A.	Grand larceny	Colusa	3	July 27, 1885
564	Clifford, Frank	Burglary, 1st degree	Nevada	3	July 28, 1885
568	Cassidy, James	Burglary, 2d degree	San Francisco	5	Nov. 3, 1886
581	Coleman, John	Burglary, 2d degree	San Francisco	3	Aug. 24, 1885
583	Cassidy, Martin	Burglary, 2d degree	San Francisco	3	Aug. 24, 1885
619	Clancey, William	Burgl., 1st deg., pr. con.	Santa Cruz	16	June 23, 1893
639	Campoy, Precillio	Burglary, 1st degree	Tehama	10	Mar. 11, 1890
660	Caste, John	Robbery	San Francisco	6	Dec. 16, 1887
676	Condell, Francisco	Burglary, 1st degree	San Francisco	2	July 6, 1885
174	Dalton, Peter	Robbery, 2 comts.	Nevada	34	Nov. 27, 1900
249	Downs, George	Asst. crime against nat.	San Francisco	14	Aug. 9, 1889
429	Day, Edward	Murder, 1st degree	Napa	Life	
464	Dick, Indian	Murder, 1st degree	El Dorado	Life	
465	Draper, Job	Manslaughter	Mono	4 1/2	Sept. 16, 1884
512	Dunlap, William	Gr. larceny and pr. con.	San Francisco	10	Mar. 19, 1889
586	Dyer, Thomas	Burglary, 2d degree	Sacramento	1	Feb. 25, 1884
606	De Mere, Joseph	Grand larceny	Solano	2	Jan. 28, 1885
627	Duckworth, Alex.	Robbery	San Francisco	7	April 17, 1888
655	Dixon, M. V.	Assault deadly weapon	Colusa	2	June 5, 1885
176	English, David	Felony	Marin	10	Mar. 27, 1886
557	Elias, Joe	Grand larceny	Stanislaus	2	Mar. 2, 1885
656	Ehring, William	Robbery	Stanislaus	5	May 15, 1887
302	Francis, Julius	Burglary and grand lar.	Sacramento	4	Jan. 21, 1884
408	Franco, Victor	Rape	Los Angeles	14	Nov. 11, 1890
430	Flannigan, Th.	Murder, 1st degree	Butte	Life	
431	Flahave, Michael	Manslaughter	Colusa	5	June 8, 1885
470	Fellows, Dick	Robbery	Santa Barbara	Life	
547	Fish, Joseph	Grand larceny	Modoc	1 1/2	Mar. 26, 1884
600	Floris, Juan	Grand larceny	Sacramento	3	Sept. 12, 1885
653	Frey, Joe	Forgery	Sacramento	1	Aug. 3, 1884
153	Galemberti, Fred.	Murder	Sierra	Life	
204	Gillett, Fred.	Robbery	Kern	10	Mar. 12, 1887
253	Gonzales, Pedro	Assault to murder	San Francisco	10	Jan. 12, 1887
254	Gordon, James	Robbery	San Francisco	8	July 14, 1888
313	Gilbert, Charles	Robbery	Tehama	8	June 15, 1886
314	Gorman, James*	Burglary	Tehama	8	Feb. 15, 1889
380	Griffin, Charles	Burglary	Sacramento	3	March 3, 1884
415	Gottung, G. C.	Manslaughter	San Francisco	10	Aug. 7, 1888
432	Gregg, William	Burgl., 1st deg., pr. con.	Alameda	10	Sept. 24, 1887
450	German, Trinidad	Murder, 1st degree	Santa Barbara	Life	
541	Gleason, Robert	Robbery	Santa Clara	5	July 12, 1886
569	Gilland, William	Burglary, 2d degree	San Francisco	5	Nov. 3, 1886
579	Garcia, José	Robbery	San Francisco	7	Jan. 17, 1888
617	Ganz, Adolph	Burglary	San Francisco	5	Jan. 19, 1887
648	Gallagher, James	Robbery	Colusa	3	Jan. 30, 1886
652	Goolsby, Joseph	Grand larceny	Sacramento	2	June 3, 1885
675	Goodwin, Francis	Grand larceny	San Francisco	6	July 6, 1885
48	Harris, John	Grand larceny	San Francisco	8	Mar. 20, 1884
118	Hogan, Thomas	Robbery	Yolo	10	Sept. 4, 1884
180	Holman, John*	Burglary, 1st degree	Alameda	6	Aug. 2, 1885
256	Hawkins, B. F.	Burglary and priors	El Dorado	10	Dec. 11, 1886
335	Hubbard, George	Assault to rape	Amador	8	Sept. 9, 1886
409	Howard, B. F.	Grand larceny	San Joaquin	2 1/2	Jan. 3, 1884
422	Herbert, Thomas	Murder, 2d degree	Kern	50	Dec. 1, 1911
437	Hunt, Henry	Murder, 1st degree	Los Angeles	Life	
445	Hayes, Patrick	Petit larceny and pr. fel.	San Joaquin	2 1/2	Dec. 22, 1883
449	Hanson, John*	Burglary, 1st degree	San Francisco	6	Feb. 28, 1888
462	Hurley, Patrick	Burgl., 1st deg., pr. con.	Alameda	10	Sept. 24, 1887
501	Hinckley, Fred.	Forgery	Nevada	3	Dec. 23, 1884

* Lost his credits.

LIST OF PRISONERS ALPHABETICALLY—CONTINUED.

No.	Name.	Crime.	County.	Term.	Expiration.
505	Higuera, Felipe	Larceny, 1st degree	Santa Clara	10	Mar. 1, 1889
511	Hill, James	Assault to murder	San Luis Obispo	10	Mar. 18, 1889
515	Hamilton, Frank	Grand larceny	San Francisco	10	Mar. 19, 1889
554	Harrold, Josiah	Assault deadly weapon	Lassen	1½	April 29, 1884
580	Hogan, John	Burglary, 2d degree	San Francisco	4	April 24, 1886
591	Harper, Henry	Gr. larceny and 5 priors	San Francisco	10	Nov. 1, 1889
597	Hoffman, J.	Attempt to break jail	San Bernardino	1½	August 5, 1884
609	Hart, John	Grand larceny	San Francisco	4	June 5, 1886
633	Hancock, Charles	Grand larceny, 2 comts.	San Francisco	10	Feb. 18, 1890
647	Harrison, John	Burglary, 1st degree	Sacramento	2	May 27, 1885
659	Hogan, John	Burglary, 2d degree	San Francisco	5	May 16, 1887
182	Iams, A. C.	Manslaughter	Monterey	10	Jan. 20, 1887
590	Johnson, Charles	Grand larceny	Sacramento	2	Dec. 28, 1884
616	Johnson, John	Grand larceny	San Francisco	6	Aug. 19, 1887
671	Joe, Indian	Rape	Tuolumne	30	Jan. 2, 1902
672	Johnson, John	Burglary, 1st degree	Sacramento	2½	Nov. 2, 1885
183	King, Malachi	Assault to rape	San Joaquin	12	Sept. 30, 1885
312	Kelly, John	Burglary	Tehama	5	Sept. 15, 1884
416	Kehoe, William	Burglary, 2d degree	San Francisco	5	Sept. 7, 1885
417	Knight, John	Bur., 2d dg., gr. fr., 2 ems.	Alameda	15	Nov. 25, 1890
553	Kavacovich, John	Burglary, 1st degree	Amador	1	Nov. 27, 1883
607	Korbell, Peter	Grand larceny	San Francisco	5	Dec. 30, 1886
614	Kelley, James	Burglary, 2d degree	Colusa	1½	Sept. 12, 1884
622	Kelley, Ch. W.	Burglary, 2d degree	San Francisco	5	Jan. 26, 1887
661	Kiley, James, alias Kiley, John, alias Riley, Jack, alias Fat Jack	Rape	San Francisco	50	Aug. 18, 1913
47	Lupton, G. H.*	Assault to mur., pr. con.	San Francisco	14	June 30, 1894
61	Lacey, Daniel	Burgl., 2d deg., pr. con.	San Francisco	7	May 14, 1885
95	Larisch, Frank	Assault to murder	Plumas	14	Aug. 28, 1887
185	Lewis, James H.	Grand larceny	Sonoma	6	Aug. 14, 1884
259	Lancis, C. W.	Grand larceny	San Joaquin	4	Nov. 28, 1883
260	Lewis, John	Att. burglary, 1st degree	San Francisco	7½	Nov. 30, 1885
316	Lightfoot, Mortimer	Murder, 1st degree	Stanislaus	Life	
393	Lewis, Benjamin	Burglary and grand lar.	Tehama	5	July 26, 1885
418	Lovejoy, Thomas	Assault to murder	Kern	7	Jan. 16, 1886
419	Lawson, Robert	Burglary, 1st degree	San Francisco	3	June 7, 1884
472	Laux, Frederick	Murder, 2d degree	Colusa	14	Feb. 19, 1891
495	Lewis, Ch. H.	Burglary, 1st degree	Sacramento	2	Mar. 22, 1884
563	Laar, Charles	Forgery	San Francisco	1	Jan. 28, 1884
587	Lightfoot, Frank	Grand larceny	Yuba	2½	April 25, 1885
642	Lonnigan, C.	Burglary, 1st degree	San Francisco	8	Jan. 12, 1889
664	Lindley, Harry	Burglary	San Francisco	5	May 23, 1887
78	McKenzie, James	Felony	San Joaquin	15	Nov. 24, 1889
128	Murray, John	Felony	Alameda	15	Dec. 27, 1889
199	Marks, E.	Murder, 2d degree	Mendocino	12	April 18, 1887
263	Melvin, Charles	Assault to mur., 2 priors	San Francisco	14	Sept. 22, 1889
264	Mitchell, George	Assault to rob, and prior	San Francisco	6	Dec. 19, 1884
267	Méjais, Andres*	Grand larceny	Fresno	5	May 28, 1885
342	Malaspina, Stephen	Murder	Sierra	Life	
382	Muir, Edward	Arson, 2d degree	Yolo	5	June 12, 1885
392	Milasich, George*	Manslaughter	Sacramento	4	Dec. 15, 1884
423	Mendez, José M.	Grand larceny	Kern	5	Sept. 1, 1885
438	Modesto, Emil	Robbery	San Francisco	12	Jan. 22, 1888
490	McKewan, Thomas	Murder, 1st degree	Siskiyou	Life	
440	Morris, Louis	Assault to rob	San Joaquin	5	Sept. 3, 1885
447	Marron, Vicente	Bur., 1st & 2d dg., 4 emts.	Napa	15	July 24, 1891
460	Miller, William A.	Robbery	Tuolumne	25	Mar. 21, 1897
513	Mace, Thomas	Grand larceny and prior	San Francisco	5	April 19, 1886

* Lost his credits.

LIST OF PRISONERS ALPHABETICALLY—CONTINUED.

No.	Name.	Crime.	County.	Term.	Expiration.
522	Meyers, Charles	Burglary, 2d degree	San Francisco	4½	Jan. 18, 1886
555	Maxwell, Lowell I.	Murder, 2d degree	Plumas	10	August 9, 1889
572	McCarty, Daniel	Robbery	Monterey	12	Dec. 3, 1890
620	McCabe, Edward	Grand larceny	San Francisco	4	June 26, 1886
638	McDonough, Festus	Burglary	Solano	2	May 7, 1885
643	Marble, B. F.	Att. to grand larceny	Placer	1	Nov. 30, 1883
658	Morgan, James	Rape	San Francisco	5	May 16, 1887
670	Miller, Hiram	Murder, 1st degree	Colusa	Life	
673	Moran, Charles	Burglary, 2d degree	Sacramento	3	May 22, 1884
679	Masterson, Frank	Grand larceny	Sacramento	3½	July 8, 1886
130	Norton, Henry*	Robbery	Yuba	15	July 15, 1891
278	Newton, Isaac	Grand larceny	Sacramento	8	April 6, 1886
473	Northrup, Howard	Grand larceny	Stanislaus	5	Nov. 24, 1885
514	Nelson, Michael	Robbery	San Francisco	5	April 19, 1886
72	O'Connor, Thomas	Murder, 2d degree	Yolo	21	Jan. 10, 1892
268	O'Neil, Charles	Burglary, 1st degree	Alameda	8	Jan. 6, 1886
284	O'Canan, Ramon	Grand larceny	Stanislaus	4	Dec. 23, 1883
503	Ortis, Thomas	Attempt to murder	Modoc	3	Dec. 28, 1889
441	Peterson, B. F.	Murder, 1st degree	Butte	Life	
482	Penelon, Maurice	Murder, 1st degree	Nevada	Life	
499	Pruett, Frank	Burglary	San Francisco	10	Feb. 17, 1889
571	Parker, John	Child stealing	San Francisco	10	Oct. 3, 1889
585	Palmer, Thomas	Robbery	San Francisco	10	Oct. 24, 1889
630	Pemberton, Mark	Burglary, 2d degree	San Francisco	5	Feb. 28, 1887
669	Pauletto, Manuel	Murder, 2d degree	El Dorado	15	Mar. 30, 1893
678	Paul, Charles	Grand larceny	San Francisco	6	Jan. 6, 1888
52	Rapp, Charles	Burglary, 1st degree	San Francisco	10	Nov. 23, 1884
189	Roberts, John	Burglary, 2 comts.	Alameda	22	Feb. 14, 1890
269	Reynolds, Ira J.	Incest	San Luis Obispo	10	April 27, 1887
271	Robinson, William	Forgery	San Francisco	6	Jan. 22, 1885
329	Rose, Louis	Murder, 1st degree	Nevada	Life	
349	Reed, Davidson*	Burglary, 1st degree	Nevada	15	July 2, 1896
453	Rivas, Isham F.	Robbery and grand lar.	Santa Barbara	12	April 21, 1884
461	Riley, Henry	Robbery	San Francisco	Life	
479	Robertson, Charles	Burglary, 1st degree	Sacramento	5	Dec. 25, 1885
550	Rickard, Louis	Forgery	Stanislaus	4	Jan. 15, 1886
552	Remensberger, Nick	Burglary, 1st degree	Amador	3	May 27, 1885
584	Ryan, James	Assault deadly weapon	San Francisco	2	Dec. 24, 1884
649	Robinson, Robert	Grand larceny	San Francisco	10	April 2, 1890
663	Romano, John	Grand larceny	San Francisco	5	May 23, 1887
677	Romero, Manuel	Robbery	San Francisco	10	May 6, 1890
68	Stainbrook, T. W.	Murder, 2d degree	Butte	27½	Feb. 15, 1894
87	Summers, Thomas*	Forgery	Colusa	4	June 29, 1884
141	Shannon, John*	Robbery	San Francisco	6	July 13, 1886
190	Stockman, Henry	Robbery	Sonoma	13	Oct. 17, 1885
275	Sansome, John†	Burglary	Plumas	15	July 7, 1885
365	Sherman, James	Robbery	Stanislaus	5	Mar. 16, 1885
378	Sisma (Indian)	Manslaughter	Amador	5	May 31, 1885
426	Smith, Charles	Burglary, 1st degree	Sonoma	12	June 23, 1886
434	Simmons, John	Bur., 2d dg., 2 pr., 2 ems.	San Francisco	8	Nov. 30, 1885
443	Smith, John	Robbery	San Francisco	12	July 21, 1889
484	Smith, James	Murder, 2d degree	Yolo	15	Oct. 31, 1891
517	Spears, John	Robbery	Yuba	1½	Dec. 25, 1883
536	Stafford, Henry	Burglary, 2d degree	Sacramento	2	July 15, 1884
566	Smith, Frank	Burgl., 2d deg., 2 comts.	Yuba	3	August 1, 1885
567	Somers, William*	Burgl., 2d deg., 2 comts.	Yuba	3	April 1, 1886
588	Staar, Gilbert	Burglary	Solano	1	Feb. 28, 1884
602	Stubbs, Henry	Burglary, 1st degree	San Francisco	12	Jan. 15, 1891
624	Smith, E. T.	Felony	Yolo	1	April 26, 1884
625	Soto, Felix	Accessory to felony	Sacramento	1	May 4, 1884

* Lost his credits. † Lost four months' credits.

LIST OF PRISONERS ALPHABETICALLY—CONTINUED.

No.	Name.	Crime.	County.	Term.	Expiration.
644	Stagle, R.	Grand larceny	San Francisco	5	April 25, 1887
662	Stanley, Peter	Robbery and prior	San Francisco	Life	
667	Sullivan, Daniel	Burglary, 2d degree	San Francisco	5	May 30, 1887
46	Troy, William	Robbery	San Francisco	6	Aug. 29, 1884
407	Tamkin, Isaac	Manslaughter	Nevada	10	Sept. 1, 1888
459	Tejada, Ignacio	Assault to murder	Santa Cruz	7	Oct. 24, 1886
466	Thimothatos, S.	Arson, 2d degree	San Francisco	5	Aug. 31, 1885
467	Tuckerman, Charles	Burglary, 1st deg., 2 pr.	San Joaquin	10	July 31, 1888
646	Thompson, John	Burglary	Sutter	4	Feb. 27, 1884
424	Urquides, Juan	Grand larceny	Kern	5	Sept. 1, 1885
445	Valencia, Macedonia	Grand larceny	Los Angeles	3	April 13, 1884
54	Wilson, George	Robbery	San Francisco	10	Sept. 22, 1884
79	Wealch, Michael	Burgl., 1st deg., 4 comts.	San Joaquin	11	Sept. 1, 1885
86	Wolfe, Henry*	Burglary, 1st degree	Yuba	6	May 21, 1886
146	Woody, Thomas*	Murder, 2d degree	Tulare	20	Sept. 20, 1885
194	Williams, George	Burglary	San Francisco	15	April 22, 1885
195	Wright, J. A.	Robbery	Calaveras	15	Oct. 1, 1886
309	Williams, George	Robbery	Sacramento	5	Aug. 28, 1884
357	Wilson, Frank	Burglary, 2d degree	Sacramento	3	Nov. 29, 1883
411	Warren, J. J.	Grand larceny	Tulare	5	Aug. 29, 1885
414	Wright, John	Robbery	Alameda	15	July 8, 1891
436	Werder, John	Burglary, 2d degree	Sonoma	5	June 9, 1885
444	Williams, J. E.	Felony	San Francisco	5	Jan. 5, 1885
452	Ward, Charles	Assault to rob	San Francisco	14	Oct. 20, 1890
458	Wilson, James	Grand larceny, 2 comts.	Contra Costa	3	July 4, 1884
478	Williams, John	Murder, 1st degree	Nevada	Life	
480	Wilson, Henry	Burglary, 1st degree	Sacramento	7	Feb. 25, 1887
497	Welch, Jack	Grand larceny, 2 comts.	Tehama	1½	Nov. 10, 1883
543	Weisenstein, John	Robbery	Stanislaus	5	July 15, 1886
576	Weill, Charles	Grand larceny	San Francisco	4	April 10, 1886
582	Williams, Nick	Burglary, 2d degree	San Francisco	5	Nov. 24, 1886
595	Wilson, R. T.	Burglary, 2d degree	San Bernardino	4	May 5, 1886
598	Washington, George	Murder, 1st degree	Tehama	Life	
604	Waters, John	Burglary, 1st degree	Sacramento	3	Sept. 18, 1885
621	Welch, Patrick	Grand larceny	San Francisco	6	Aug. 26, 1887
634	Wheeler, J. J.	Assault to murder	Modoc	2	April 18, 1885
668	Withers, Charles	Grand larceny	San Francisco	3	Feb. 28, 1886
674	Wood, F. L.	Murder, 2d degree	Stanislaus	Life	
573	Young, James	Murder, 1st degree	Yolo	Life	
596	Young, William	Burglary, 1st degree	San Bernardino	4	May 5, 1886
628	Ybarra, Rosalia	Murder, 2d degree	Sacramento	20	Nov. 27, 1895
412	Zea, F.	Forgery	San Francisco	5	Aug. 24, 1885
662	Zimmerman, August	Robbery and prior	Amador	Life	

* Lost his credits. † Commuted—Lost 5 days' credits.

PRISONERS HAVING LIFE SENTENCES.

No.	Name.	Crime.	County.
153	Galemberti, Fred.	Murder	Sierra
316	Lightfoot, Mortimer	Murder, 1st degree	Stanislaus
328	Chin Nam Yu	Murder, 1st degree	Butte
329	Rose, Louis	Murder, 1st degree	Nevada
342	Malaspina, Stephen	Murder	Sierra
389	Lee Tung	Murder, 1st degree	Stanislaus
396	Yee Ah Pong	Murder, 1st degree	Sacramento
413	Cataldo, Romaldo	Murder	Calaveras
425	Crawford, J. A.	Murder, 1st degree	Plumas
429	Day, Edward	Murder, 1st degree	Napa
430	Flannigan, Th.	Murder, 1st degree	Butte
437	Hunt, Henry	Murder, 1st degree	Los Angeles
441	Peterson, B. F.	Murder, 1st degree	Butte
450	German, Trinidad	Murder, 2d degree	Santa Barbara
461	Riley, Henry	Robbery	San Francisco
464	Dick, Indian	Murder, 1st degree	El Dorado
470	Fellows, Dick	Robbery	Santa Barbara
478	Williams, John	Murder, 1st degree	Nevada
482	Penelon, Maurice	Murder, 1st degree	Nevada
490	McKewan, Thomas	Murder, 1st degree	Siskiyou
526	Aleck, Jim	Murder, 1st degree	Amador
561	Blumer, Mathias	Murder, 1st degree	Yuba
573	Young, James	Murder, 1st degree	Yolo
598	Washington, George	Murder, 1st degree	Tehama
613	Toy Ah Park	Murder, 1st degree	San Francisco
635	Abbott, Charles	Murder, 1st degree	San Francisco
636	Wong Ah Teak	Murder, 1st degree	San Francisco
662	Stanley, Peter	Robbery, 9 priors	San Francisco
666	Zimmerman, August	Murder, 1st degree	Amador
670	Miller, Hiram	Murder, 1st degree	Colusa
674	Wood, F. L.	Murder, 2d degree	Stanislaus

CHINESE PRISONERS.

No.	Name.	Crime.	County.	Term.	Expiration.
3	Lee Ah See	Burglary	San Francisco	15	Dec. 17, 1889
4	Tung Chew	Assault to murder	San Francisco	10	Jan. 17, 1887
101	Gee Ah Wing	Burglary, 1st degree	San Francisco	15	Dec. 17, 1889
158	Ah Yen	Murder, 2d degree	Contra Costa	28	Dec. 24, 1896
163	Ah Fong	Burglary, 1st degree	Sacramento	10	Sept. 18, 1885
165	Chun Sing Ching	Burglary, 1st degree	San Francisco	10	Nov. 23, 1884
226	Lee Ah Wing	Burglary, 2d degree	San Francisco	4	Nov. 29, 1883
227	Li Hing	Burglary, 1st degree	San Francisco	10	May 15, 1887
229	Wong Ah Quong	Burglary, 2d degree	San Francisco	5	March 7, 1884
232	Chin Due	Burglary, 1st degree	San Francisco	15	Dec. 24, 1889
321	Quong Tee	Robbery	Sacramento	4	March 9, 1884
328	Chin Nam Yu	Murder, 1st degree	Butte	Life	
332	Quon Hee	Murder, 2d degree	Butte	25	July 19, 1896
348	Ah Sam	Felony	Nevada	5	Jan. 29, 1885
352	Ah Hoy	Burglary, 2d degree	Sacramento	3	Nov. 19, 1883
354	Hen Loy	Burglary, 2d degree	San Joaquin	10	Jan. 21, 1888
373	Ah Ghing	Burglary	Colusa	15	Feb. 27, 1891
387	Ah Lee	Burglary, 2d degree	Sacramento	5	June 28, 1885
388	Ah Mow	Grand larceny	Sacramento	5	July 6, 1885
389	Lee Tung	Murder, 1st degree	Stanislaus	Life	
396	Tee Ah Pong	Murder, 1st degree	Sacramento	Life	
398	Charley Wing	Grand larceny	Lassen	3	May 22, 1884
408	Ah Kong	Felony	Trinity	3	July 30, 1884
488	Ah Lay	Burglary	Santa Clara	2	Feb. 14, 1884
489	Ah Lin	Burglary	Santa Clara	2	Feb. 14, 1884
493	Jim Lee	Grand larceny	Colusa	3	Oct. 27, 1884
502	Fong Teo	Burglary, 1st degree	San Francisco	5	Mar. 24, 1886
504	Wong Bak Ling	Burglary, 1st degree	San Francisco	6	Oct. 29, 1886
507	Jim	Burglary, 1st degree	San Francisco	6	Nov. 2, 1886
520	Lee Hing	Grand larceny	San Francisco	3	Feb. 3, 1885
524	Ah Hock	Burglary, 1st degree	Sacramento	2	June 5, 1884
528	Ah Lue	Burglary, 2d degree	Sacramento	2	June 11, 1884
538	Chee Kwork Ming	Robbery	San Francisco	7	July 18, 1887
551	Ah Song	Burglary, 1st degree	Sacramento	1	Nov. 17, 1883
559	Owe Ah Joe	Burglary, 1st degree	San Francisco	5	Oct. 21, 1886
565	Ung Goon	Assault to murder	Trinity	7	Dec. 30, 1887
575	Wong Ah Chong	Grand larceny	Yuba	2	Dec. 5, 1884
578	Tong Kie	Burglary, 1st degree	El Dorado	5	Nov. 11, 1886
592	Kwarr Dart	Petit larceny, 2d offense	San Francisco	3	Sept. 1, 1885
593	Wong Ah Hick	Grand larceny	San Francisco	10	Nov. 1, 1889
594	Mah Kit	Petit larceny, 2d offense	San Francisco	1	March 1, 1884
599	Woo Ah Fook	Manslaughter	San Francisco	10	Nov. 9, 1889
608	Moey Ah Hoy	Burglary, 2d degree	San Francisco	3	Sept. 30, 1885
609	Ah Lem	Grand larceny	Sacramento	5	Jan. 7, 1887
611	Ah Jim	Burglary, 2d degree	Sutter	1	April 9, 1884
613	Toy Ah Park	Murder, 1st degree	San Francisco	Life	
615	Ah Li	Assault to murder	Sacramento	14	April 14, 1892
629	Wong Ah King	Grand larceny	San Francisco	7	April 31, 1888
631	Mark Ah Sing	Ass. dead. weap., pr. con.	San Francisco	6	Oct. 15, 1887
636	Wong Ah Teak	Murder, 1st degree	San Francisco	Life	
640	Farm Ah Gaw	Burglary, 2d degree	San Francisco	2	May 12, 1885
641	Mark Ah Chin	Perjury	San Francisco	3	Jan. 12, 1886
645	Leong Ah Wong	Perjury	San Francisco	7	June 25, 1888
650	Wong Ah Fong	Burglary, 2d degree	San Francisco	5	May 2, 1887
651	Chuey Young	Perjury	San Francisco	6	Dec. 2, 1887
657	Clum Yee	Assault to murder	Stanislaus	5	May 15, 1887

NAMES OF PRISONERS, BY NUMBERS, IN ORDER.

No.	Name.	No.	Name.
3	Lee Ah See	263	Charles Melvin
4	Tung Chew	264	George Mitchell
23	Charles Brown	267	Andres Mejais
46	William Troy	268	Charles O'Neil
47	G. H. Lupton	269	Ira J. Reynolds
48	John Harris	271	William Robinson
52	Charles Rapp	275	John Sansome
54	George Wilson	278	Isaac Newton
61	Daniel Lacey	284	Ramon O'Can
68	Thomas Stainbrook	302	Julius Francis
72	Thomas O'Connor	309	George Williams
78	John McKenzie	311	Gustave Arnnen
79	Michael Wealeh	312	John Kelly
86	Henry Wolfe	313	Charles Gilbert
87	Thomas Summers	314	James Gorman
95	Frank Larrish	316	Mortimer Lightfoot
101	Gee Ah Wing	321	Quong Tee
102	John Acker	328	Chin Nam Yu
105	J. Bancroft	329	Lewis Rose
109	Thomas Brown	332	Quon Hee
118	Thomas Hogan	335	George Hubbard
128	John Murray	342	Stephen Malaspina
130	Henry Norton	348	Ah Sam
141	John Shannon	349	Davidson Reed
146	Thomas Woody	352	Ah Hoy
153	Frederick Galemberti	354	Hen Loy
158	Ah Yen	357	Frank Wilson
163	Ah Fong	365	James Sherman
165	Chun Sing Ching	373	Ah Ghing
170	Thomas Banks	378	Sisma
174	Peter Dalton	379	Angel Camelia
176	David English	380	Charles Griffin
180	John Holman	381	Pedro José Arrya
182	A. C. Iams	382	Edward Muir
183	Malachi King	386	James Brown
185	J. H. Lewis	387	Ah Lee
189	John Roberts	388	Ah Mow
190	Henry Stockman	389	Lee Tung
194	George Williams	390	Daniel Carmac
195	J. H. Wright	392	George Milasich
199	E. Marks	393	Benjamin Lewis
204	Fred. Gillett	394	G. A. Cantine
226	Lee Ah Wing	396	Yee Ah Pong
227	Li Hing	398	Charley Wing
229	Wong Ah Quong	407	Isaac Tamkin
232	Chin Due	408	Victor Franco
235	John Arata	409	F. B. Howard
237	Juan Alviso	411	Joseph Warren
244	John Cooney	412	F. Zea
246	Joseph Carlton	413	Romaldo Cataldo
247	Juan Cordiell	414	John Wright
249	George Downs	415	George Gottung
553	Pedro Gonzales	416	William Kehoe
254	James Gordon	417	John Knight
256	B. F. Hawkins	418	Thomas Lovejoy
259	C. W. Lancis	419	Robert Lawson
260	John Lewis	420	John Bull

NAMES OF PRISONERS, BY NUMBERS, IN ORDER—CONTINUED.

No.	Name.	No.	Name.
421	Charles Bennett	511	James Hill
422	Thomas Herbert	512	William Dunlap
423	José Mendez	513	Thomas Mace
424	Juan Urquides	514	Michael Nelson
425	John A. Crawford	515	Frank Hamilton
426	Charles Smith	517	John Spears
428	James Coleman	520	Lee Hing
429	Edward Day	522	Charles Meyers
430	Thomas Flannigan	524	Ah Hock
431	Michael Flahave	526	Jim Aleck
432	William Gregg	528	Ah Lue
434	John Simmons	533	Chee Kwork Ming
435	E. C. Burke	536	Henry Stafford
436	John Werder	538	W. H. Cone
437	Henry Hunt	541	Robert Gleason
438	Emil Modesto	543	John Weisenstein
439	John Compton	545	Dennis Burns
440	Louis Morris	546	Charles Coffierian
441	B. F. Peterson	547	Joseph Fish
442	Frederick Brand	548	John Brown
443	John Smith	550	Louis Rickard
444	J. E. Williams	551	Ah Song
445	Patrick Hayes	552	Nick Remensberger
446	Macedonia Valencia	553	John Kavacovich
447	Vicente Marron	554	Josiah Harrold
449	John Hanson	555	Lowell Maxwell
450	Trinidad German	557	Joe Elias
452	Charles Ward	558	Charles Burk
453	Isham F. Rivas	559	Owe Ah Joe
454	G. A. Boerkoff	560	William Armstrong
456	Joseph Busby	561	Mathias Blumer
458	James Wilson	562	G. A. Craft
459	Ignacio Tejada	563	Charles Laar
460	William Miller	564	Frank Clifford
461	Henry Riley	565	Ung Goon
462	Patrick Hurley	566	Frank Smith
464	Indian Dick	567	William Somers
465	Job Draper	568	James Cassidy
466	Spiridon Thimotheatos	569	William Gilliland
467	Charles Tuckerman	570	Thomas Burns
468	Ah Kong	571	John Parker
470	Dick Fellows	572	Daniel McCarty
472	Frederick Laux	573	James Young
473	Howard Northrup	574	H. M. Anna
478	John Williams	575	Wong Ah Chong
479	Charles Robertson	576	Charles Weill
480	Henry Wilson	577	Charles Brann
482	Maurice Penelon	578	Tong Kie
484	James Smith	579	José Garcia
488	Ah Lay	580	John Hogan
489	Ah Lin	581	John Coleman
490	Thomas McKewan	582	Nick Williams
492	James Bohannan	583	Martin Cassidy
493	Jim Lee	584	James Ryan
495	C. H. Lewis	585	Thomas Palmer
497	Jack Welch	586	Thomas Dyer
499	Frank Pruett	587	Frank Lightfoot
501	Fred. Hinckley	588	Gilbert Starr
502	Fong Teo	589	Alphonso Bennett
503	Thomas Ortis	590	Charles Johnson
504	Wong Bak Ling	591	Henry Harper
505	Felipe Higuera	592	Kwarm Dart
506	Juan Belardez	593	Wong Ah Hick
507	Jim	594	Mah Kit
510	William Allen	595	R. T. Wilson

NAMES OF PRISONERS, BY NUMBERS, IN ORDER—CONTINUED.

No.	Name.	No.	Name.
596	William Young	655	M. V. Dixon
597	J. Hoffman	656	William Ehrig
598	George Washington	657	Cium Yee
599	Woo Ah Fook	658	James Morgan
600	Juan Floris	659	John Hogan
601	John Brannan	660	John Caste
602	Henry Stubbs	661	James Kiley
604	John Waters	662	Peter Stanley
605	James Anderson	663	John Romano
606	Joseph DeMere	664	Harry Lindley
607	Peter Korbell	665	Cad Bryant
608	Moey Ah Hoy	666	August Zimmerman
609	John Hart	667	Daniel Sullivan
610	Ah Lem	668	Charles Withers
611	Ah Jim	669	Manuel Pauletto
612	Peter Alberts	670	Hiram Miller
613	Toy Ah Park	671	Indian Joe
614	James Kelley	672	John Johnson
615	Ah Li	673	Charles Moran
616	John Johnson	674	F. L. Wood
617	Adolph Ganz	675	Francis Goodwin
618	W. C. Applegate	676	Francisco Condell
619	William Clancey	677	Manuel Romero
620	Edward McCabe	678	Charles Paul
621	Patrick Welch	679	Frank Masterson
622	Charles Kelley	680	Harry Hill
624	E. T. Smith	681	Eugene Sanguinetti
625	Felix Soto	682	Charles Brown
627	Alexander Duckworth	683	Chewee Soocy
628	Rosalie Ybarra	684	John Darn
629	Wong Ah King	685	Celedonia Alcante
630	Mark Pemberton	686	Amado Armenta
631	Mark Ah Sing	687	John M. Foster
633	Charles Hancock	688	Charles Cole
634	J. J. Wheeler	689	Phillip Gephard
635	Charles Abbott	690	Peter Buscacci
636	Wong Ah Teak	691	S. Ernst
637	Charles Bse	692	Edward Fitzgerald
638	Festus McDonough	693	Thomas Jones
639	Precillio Campoy	694	G. W. Stewart
640	Farm Ah Gaw	695	Edward Powell
641	Mark Ah Chin	696	Santa Ana Carlos
642	C. Lonnigan	697	Thomas Dwyer
643	B. F. Marble	698	John Cunningham
644	R. Stagle	699	Joseph McClelland
645	Leong Ah Wong	700	Joseph Buckner
646	John Thompson	701	Henry Petersen
647	John Harrison	702	George Scott
648	James Gallagher	703	C. J. McLaughlin
649	Robert Robinson	704	Charles Miller
650	Wong Ah Fong	705	Thomas Gallagher
651	Chuey Young	706	James Duffy
652	Joseph Goolsby	707	Ah Won
653	Joe Frey	708	William Watson
654	H. C. Benson	709	Alonzo Elster

[From the Sacramento Record-Union, November 7, 1883.]

THE FOLSOM PRISON.

A CORRESPONDENT GIVES HIS IMPRESSION OF THE PLACE AND ITS SURROUNDINGS.

Editors Record-Union: Those who located the Folsom State Prison did not have in view the idea of making the coming convict in love with his enforced abiding place. They did not calculate on his becoming weaned from the place of his birth; nor did they endeavor to create within his soul a longing to revisit the scenes of his atonement for deeds done in days of his freedom. Conceive of a forest of scrubby trees hanging to the sides of scrubby hills, down whose broken slope Time has plowed deep, wide gulches, and walled them up with the wildest of rocky masonry, and fronted it with a river, insignificant at this time of year, whose oozy current creeps redly and noiselessly away from this home of all things homely, down to the sea, and the place plays through the reader's mind with fever-phantom vividness. Let this scrub oak and pine pastoral photograph itself on his mind, and straightway he views the land wherein is sited the branch prison.

On the side of a ravine that was then in itself a synonym of perfect ugliness and eternal unfitness, was raised a large and beautiful structure of gray granite, hard as adamant and lasting as the everlasting mountains. From a quarry close by, the great stone was clipped and dropped into walls with one swing of the derrick, until three high stories were towering over the gulch, and a length of five hundred feet by eighty broad ran back towards the head of the ravine. The building clung to the hillside like the baronial masonry on the precipice banks of the castled Rhine, and the roadway leading to the entrance was rough and hard as the way of the transgressors who were destined to people its cells.

Several hundred convict recluses were transferred to the cloisters of the penal monastery and initiated into the work of redeeming these courts from their wild hideousness. The Warden took upon himself civil engineering powers, and mined the hills until the surface of the place assumed something of a horizontal appearance, and order began to be disclosed by every blow of the pick and drill. In forming the perpendicular sides of the earth walls, the stone blocks were dug out and swung into position where masonry was needed, thus killing two birds with one great piece of granite.

A trip to this stronghold is full of interest; the visitor first finds himself within a horseshoe of sentry-posts, where Gatling guns and Winchester rifles look menacingly in all directions. Once inside this circle of firearms, his personal responsibility entirely ceases. The State takes full charge of his being and a strong interest in his further actions, seeing that he makes no contraband communications or pre-

sentations to her wards. Under the supervision of a keeper, he is at liberty to go wherever he chooses.

The front end of this long building is two half-octagonal towers of rough stone, the window and door-sills being dressed. A broad stairway leads to the grand entrance, on whose threshold the convict leaves all hope behind, for there he meets the Warden, and his initiation into that official's family and into a suit of striped clothes is a double degree soon conferred. A number and cell are then assigned him, and he takes his place within the silent walls of civil death.

The prisoners are called up at five o'clock A. M., and after their little housekeeping duties of cleaning up the cells, they are unlocked for breakfast. Each man lines up in his place, and with hand on shoulder, down they go. Without the least confusion, three hundred men take a steady tramp to the eating hall. There the officer of the watch takes his position overlooking the large room, like the Chairman in a convention, and, with a dignified tap of his gavel, seats the body. So admirably is the order maintained, and so well are these men drilled in their movements, that it seemed as if they eat by rule; that this host of jaws rose and fell in a perfect uniformity of motion. Meantime the guards for the prison are all posted on the hill overlooking the grounds, the cannons trained, and everything prepared to check any break for liberty. After the meal, the men again line up for egress. Each man, as he passes through the double gateway into the outer yard for labor, is tallied by two keepers, and his whereabouts during the day is watchfully known to these officers. Should a convict wish to enter the building he is admitted at the first door, his number recorded, passed to the inner door, again numbered, and let in. On coming out the same precautions are taken. Eternal vigilance is the price that kills the prisoner's liberty here.

When once outside the convicts go immediately to work, no idleness being permitted, and quickly the shops and quarries are manned. As the workyard is below the buildings, the men at their labor are not only under the eye of every guard, but in view of the Warden himself as he sits in his office. Consequently no overseers are placed among the workmen, the managers preferring to trust a man's honesty in doing a fair day's work, and to let him forget while chiseling the hard granite that he is in a fettered servitude, if that can be possible with the Gatling batteries and rifle barrels shining brightly in the sun as they point unpleasantly down on him. No system is practiced, beyond precautionary measures for safety, that is calculated to degrade a man, and no treatment shown that will make his lot harder. On the contrary, his reformation seems to be the object constantly aimed at. The visitor sees and hears of no indignities needlessly cast upon the men. They work steadily under the skilled foremen who are employed to direct the stone cutting and wall building, but who really have no authority over the convicts.

The portion of the proposed walls which fronts the river is almost finished, and when the new granite saws, which General McComb is erecting, are put into operation, the work of inclosing the grounds will be hastened forward. As far as stone walls are concerned, the place is entirely open, and, to a careless observer, the prisoners can walk easily to freedom; but such a feat would not be so easy after all, for the ever watchful sentries, with guns in hand, are thickly posted, and however alluring are the thoughts of freedom, the effort to gain it is too extremely hazardous to invite the attempt.

At about five o'clock p. m. the steam whistle calls the men from work, and the line is quickly formed for the entry. The double tallying and numbering is carefully gone over again with, and when every man is locked inside of the prison the guards are called in from the hilltops. After supper comes the "lock up." Each prisoner stands in full view at the door of his cell, that the keeper may see him ere the bolt is turned, and as the officer approaches, the convict closes the door on himself, the padlock is sprung, and the outside world is securely closed against him. The prisoners are allowed oil, and are permitted to use a lamp until nine o'clock, when every cell light goes out, and the condemned man is left to undisturbed meditation and dreams of himself and the outside world, and the fearful reality that by the righteous judgment of the law he is, for the time, civilly dead.

G. T.

Folsom, November 2, 1883.

[From the Daily Examiner, Nov. 4, 1883.]

THE FOLSOM PRISON.

A Folsom correspondent of the Santa Rosa *Democrat* writes: "The new Directors have paid this prison one official visit. They found everything here moving on to their satisfaction, and expressed themselves pleased with the improvements that had been made under the management of the present Warden, General John McComb. As Governor Stoneman has expressed a desire that the State Prison be conducted on a non-partisan principle, and finding no grounds for complaint, they have concluded to make no effort to remove the present Warden. It appears also to be the intention of General McComb to ignore politics as much as possible in the appointment of subordinates without injury to the government of the prison. There have been a few changes made in the offices and some additions to the Guard. The political status of the management at present stands as follows: Republicans—Warden, Commissary, Clerk, Captain of the Guard, Physician, one Gate Keeper, one Ambulance Driver, and twelve Guards; Democrats—First Lieutenant of Guards, one Chief of Watch; one Lieutenant of Watch, one Gate Keeper, and twelve Guards. As vacancies occur this status may be slightly changed. The prison now contains three hundred and seven prisoners, but could accommodate twice that number. In fact, a transfer of a hundred or a hundred and fifty able-bodied men from San Quentin to this place would be advantageous to the State. General McComb has now a contract for supplying parties in San Francisco with dressed granite in any quantity. Quarries of unlimited extent and of the finest quality of granite are opened on the prison ground; and as this is the only source of revenue to the State derived from labor here, there should be as many men employed in the business as possible. The work of filling in the yards and building the walls is still going on. The health of the prison is as good as could be expected. Among the officers and Guards there is but one case of sickness, and that convalescing, and of the three hundred and seven convicts there are but ten excused from duty, about one half of this number being afflicted with chronic diseases of long standing, and one or two accidentally hurt in the quarry."

[From the Los Angeles Express, November 6, 1883.]

A MODEL PRISON.

A VISIT TO THE FOLSOM STATE PRISON—MASSIVENESS OF THE STRUCTURE—ITS BEAUTIFUL SURROUNDINGS—THE STONE OF ITS QUARRIES IN GREAT DEMAND—THE PRISON LABOR PROBLEM SOLVED—CONTENTED CONVICTS—REFORMATION OF PRISONERS—THE WARDEN'S SUCCESSFUL SYSTEM.

Editor Express: As the recent appointment by Governor Stoneman of a non-partisan Board of Directors of the State Prisons of California has turned public attention to this subject, your readers will be doubtless interested in a letter giving them the details of my observations during a recent visit to the State Prison near Folsom. The grounds are located two miles from the town of Folsom, on the left bank of the American River. The country is mountainous and picturesque, and the prison itself is erected in a depression which is overlooked by a semicircle of hills. From the front porch of the prison the ground slopes to the river—a distance of three or four hundred yards.

THE PRISON STRUCTURE

Is therefore finely situated for the most important requisite in an institution where several hundred desperate and hardened criminals are to be kept. At the slightest attempt to revolt the gatlings and small arms of five commanding guard houses could be turned upon the yard below, and immediate destruction would follow any insurrection. The knowledge of this fact serves as a deterrent, and hence outbreaks at Folsom have been very few, and whenever one has occurred it has been so summarily suppressed that a wholesome dread of consequences has been impressed upon the convicts. The building itself presents a mediæval appearance of massiveness and strength. It is constructed entirely of granite blocks, and covers a space equal to nearly four fifty-vara lots, or $137\frac{1}{2}$ by $512\frac{1}{2}$. The front rises three stories in height, with swelling, tower-like projections on either side of a sweeping, indented porch. The facade has a castellated appearance, and when it first bursts upon the view of the visitor reminds him of one of the great strongholds of Europe. The building and yard and outhouses cover ten acres, and

GENERAL JOHN McCOMB,

The Warden, has made the ground look beautiful with beds of flowers, of all varieties, grown on the slopes and terraces, and very happy attempts at landscape gardening have been made in all directions. These floral embellishments give a grateful and beautiful appearance

to the surroundings of the prison, and render the place far more attractive than any other prison I have ever seen. The front of the building is occupied by the Warden and his officers, and contains a number of fine offices, a large hall, a spacious parlor, and several large bedrooms. There are two tiers of cells running the entire length of the main building, the walls of every cell being of granite, rough-hewn on the outside. Each cell will accommodate two prisoners, and there are 324 in all. At present there are but 320 convicts in the prison, so that there is room for 328 more prisoners. It will thus be seen that Folsom Prison is anything but overcrowded. Indeed, the Warden is very anxious to increase the number of inmates to its maximum capacity, as he has work that will pay the State for at least 250 more men.

THE FINE GRANITE QUARRY

That has been opened in the prison yard will give profitable employment to twice the number of men now available. The stone is the very best yet turned out in this State, and builders and contractors in San Francisco are just beginning to appreciate its value, and are offering more orders to the Warden than he can fulfill with his present inadequate force. The best paving blocks, on the Belgium pattern, yet made in this State, are manufactured here, and on his last visit to San Francisco General McComb accepted an order for one million of these blocks. He has also an order for three thousand feet of street curbing and crossing, and is now turning out the material for a massive wall for James Fair in San Francisco. This wall will consume eight thousand feet of granite blocks. It will inclose the grounds of that gentleman on Mason, California, and Sacramento Streets—two hundred and seventy-five on the former, and two hundred feet on the latter two streets. The stone for the base course is finished and molded; the coping is bush-hammered with double molding, top and bottom; the ashlers and headers are rock-faced with inch and a half dressed margin. All this work is being very satisfactorily done now in the prison yard, and Mr. George D. Nagle, the contractor, told me that the granite of this quarry is by long odds the best in the State. It is close-grained, devoid of seams or flaws, very free from what is termed "nigger-heads," and weighs one hundred and seventy-two pounds to the cubic foot. This is the estimate of its quality by the most experienced builder in the State. And yet the quarry is only opened; as it is worked to lower depth the quality will necessarily improve. The Warden informs me that he can earn from the labor of each prisoner as follows: From those employed in stone-dressing, one dollar per day; for those employed in quarrying, seventy cents. Here, then, is the best solution of the financial difficulties of San Quentin, and also of the perplexing problem of employing the convict labor so as not to compete with honest labor on the outside. The quarries of Folsom will give profitable work to all the prisoners the State may ever have, and, unlike the manufacture of jute bags, the raw material has not to be purchased in Bombay by large advances of money from the public treasury, but is there in inexhaustible quantities, to be had for the taking out.

THE MANAGEMENT.

In visiting the Folsom Prison one is impressed with the great success of its management. The discipline is perfect. Everything moves like clock-work. The convicts are as contented as men can well be brought to be in their position. General McComb has established and carried out the rule that the men shall have every right to which they are entitled, and he so rewards industry and good behavior by special privileges within the scope of prison possibilities that the most hardened and obstreperous are now vying with each other to earn the good-will of their officers. Men who had abandoned all idea of hope have, by the judicious and merciful course of the Warden, been brought to a sense that even for them there was a future worth living for, and a number of instances of phenomenal reformation have been wrought during General McComb's administration. It was in 1704 that Clement XI made the first great prison reform in Europe, and established a penitentiary for the reclamation of criminals. John Howard and Elizabeth Fry devoted their lives to the same object in England nearly a century later. Philanthropists in the United States have followed up the work since the beginning of the present century; and now it is universally conceded that punishment, without efforts to reform and reclaim, is against the best interests of the State. I have visited many prisons, but nowhere else have I seen exemplified so conspicuously in the conduct and manner of the convicts themselves the beneficial results of this salutary system. The convicts at Folsom show by their carriage and conduct that they are not without hope; and this condition of mind opens up to the prisoner a wide field of possibilities which he never could have entertained without it. The man—no matter how debased—who can see something for himself in the future, some worthy object to strive for, is in that condition of mind that he may be easily influenced for good.

A.

ROUTES, CONVEYANCES, DISTANCES, AND FARES FROM STATE PRISON AT FOLSOM TO COUNTY SEATS.

County.	Town.	Route.	Conveyance.	Miles.	Fare.	Total Fare.	Half Fare.
Alameda	Oakland	To Sacramento To Oakland	Sacramento and Placerville R. R. Central Pacific R. R.	22 86	\$1 30 3 30	\$4 60	\$2 30
Alpine	Markleeville	To Sacramento To Reno To Carson To Markleeville	Sacramento and Placerville R. R. Central Pacific R. R. Virginia and Truckee R. R. Stage	108 22 154 31 39	\$1 30 9 05 2 00 6 50	18 85	9 45
Amador	Jackson	To Sacramento To Lone To Jackson	Sacramento and Placerville R. R. Via C. P. and Amador Branch R. R. Stage	246 22 54 12	\$1 30 2 20 2 00	5 50	2 75
Butte	Oroville	To Sacramento To Marysville To Oroville	Sacramento and Placerville R. R. Oregon Division Central Pacific R. R. California Northern R. R.	88 22 52 28	\$1 30 2 10 2 00	5 40	2 70
Calaveras	San Andreas	To Sacramento To Milton To San Andreas	Sacramento and Placerville R. R. Via C. P. and Stockton and C. R. Stage	102 22 78 22	\$1 30 3 10 2 50	6 90	3 45
				122			

ROUTES, CONVEYANCES, DISTANCES, AND FARES FROM STATE PRISON AT FOLSOM TO COUNTY SEATS—CONTINUED.

County.	Town.	Route.	Conveyance.	Miles.	Fare.	Total Fare.	Half Fare.
Colusa	Colusa	To Sacramento.	Sacramento and Placerville R. R.	22	\$1 30		
		To Williams.	Via C. P. R. R. and K. L. Branch.	62	2 50		
		To Colusa.	Stage.	10	1 00	\$4 80	\$2 40
Contra Costa	Martinez	To Sacramento.	Sacramento and Placerville R. R.	22	\$1 30		
		To Martinez.	Western Division Central Pacific R. R.	116	2 30	3 60	1 80
Del Norte	Crescent City	To Sacramento.	Sacramento and Placerville R. R.	138			
		To San Francisco.	Central Pacific R. R.	22	\$1 30		
		To Crescent City.	Per Stuns, Mary D. Hume & Co., City.	90	3 30		
El Dorado	Placerville	To Shingle Springs.		274	12 50		
		To Placerville.		386		17 10	8 55
Fresno	Fresno	To Sacramento.	Sacramento and Placerville R. R.	26½	\$2 00		
		To Fresno.	Stage.	10	1 50	3 50	1 75
Humboldt	Eureka	To Sacramento.	Sacramento and Placerville R. R.	36½			
		To Eureka.	Via Lathrop, C. P. and S. P. R. R.	22	\$1 30		
		To Eureka.	Per Steamers.	170	6 80	8 10	4 05
		To Sacramento.	Sacramento and Placerville R. R.	192			
		To Sacramento.		22	\$1 30		
		To Eureka.		90	3 30		
		To Sacramento.	Sacramento and Placerville R. R.	216	10 00		
		To Sacramento.		328		14 60	7 30

Inyo	Independence	To Sacramento.	Sacramento and Placerville R. R.	22	\$1 30		
		To Reno.	Central Pacific R. R.	154	9 05		
		To Independence.	Via V. and T. and C. and Cal. R. R.	308	23 00	33 35	16 70
Kern	Bakersfield	To Sacramento.	Sacramento and Placerville R. R.	484			
		To Bakersfield.	Central Pac. and Southern Pac. R. R.	22	\$1 30		
		To Bakersfield.	Stage.	277	11 10		
Lake	Lakeport	To Sacramento.	Sacramento and Placerville R. R.	300			
		To Lakeport.	Central Pac. and California Pac. R. R.	22	\$1 30		
		To Lakeport.	Stage.	104	3 50		
Lassen	Susanville	To Sacramento.	Sacramento and Placerville R. R.	46	3 00	7 80	3 90
		To Chico.		172			
		To Susanville.	Oregon Division Central Pacific R. R.	22	\$1 30		
Los Angeles	Los Angeles	To Sacramento.	Sacramento and Placerville R. R.	85	3 85		
		To Los Angeles.	Stage.	203	9 00	14 15	7 10
		To Los Angeles.	Central Pac. and Southern Pac. R. R.	22	\$1 30		
Marin	San Rafael	To Sacramento.	Sacramento and Placerville R. R.	445	20 90	22 20	11 10
		To San Francisco.	Central Pacific R. R.	467			
		To San Rafael.	North Pacific Coast R. R.	22	\$1 30		
Mariposa	Mariposa	To Sacramento.	Sacramento and Placerville R. R.	90	3 30		
		To Merced.	Visalia Division Central Pac. R. R.	15	50	5 10	2 55
		To Mariposa.	Stage.	127			
		To Sacramento.	Sacramento and Placerville R. R.	115	\$1 30		
		To Merced.	Visalia Division Central Pac. R. R.	41	4 60		
		To Mariposa.	Stage.	178	5 50	11 40	5 70

ROUTES, CONVEYANCES, DISTANCES, AND FARES FROM STATE PRISON AT FOLSOM TO COUNTY SEATS—CONTINUED.

County.	Town.	Route.	Conveyance.	Miles.	Fare.	Total Fare.	Half Fare.
Mendocino	Ukiah	To Sacramento To San Francisco To Cloverdale To Ukiah	Sacramento and Placerville R. R. Central Pacific R. R. San Francisco and N. P. R. R. Stage	22 90 82 31	\$1 30 3 30 4 25 3 00	\$11 85	\$5 95
Merced	Merced	To Sacramento To Merced via Lathrop	Sacramento and Placerville R. R. Central Pac. R. R. and Visalia Div.	225 22 115		5 90	2 95
Modoc	Alturas	To Sacramento To Redding To Alturas	Sacramento and Placerville R. R. Oregon Division Central Pac. R. R. Stage	137 22 170 165			
Mono	Bridgeport	To Sacramento To Reno To Hawthorne To Bridgeport	Sacramento and Placerville R. R. Central Pacific R. R. V. and T. and C. and C. R. R. Stage	357 22 154 141 62	\$1 30 3 30 9 05 12 50 9 50	23 60	11 80
Monterey	Salinas City	To Sacramento To San José To Salinas	Sacramento and Placerville R. R. Central Pacific R. R. Northern Div. Southern Pac. R. R.	379 22 127 67		31 85	15 95
Napa	Napa City	To Sacramento To Napa	Sacramento and Placerville R. R. California Pac. and Northern R. R.	216 22 78 100		7 10 3 80	3 55 1 90

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Nevada	Nevada City	To Sacramento To Colfax To Nevada City	Sacramento and Placerville R. R. Central Pacific R. R. Nevada County Narrow Gauge R. R.	22 54 22	\$1 30 2 65 2 25	6 20	3 10
Placer	Auburn	To Sacramento To Auburn	Sacramento and Placerville R. R. Central Pacific R. R.	98 22 36		2 80	1 40
Plumas	Quincy	To Sacramento To Marysville To Oroville To Quincy	Sacramento and Placerville R. R. Oregon Division Central Pacific R. R. California Northern R. R. Stage	58 22 52 28 65		15 40	7 70
Sacramento	Sacramento		Sacramento and Placerville R. R.	167		1 30	65
San Benito	Hollister	To Sacramento To San José To Hollister via Carnadero	Sacramento and Placerville R. R. Central Pacific R. R. S. P. R. R., Tres Pinos Branch	22 127 43½	\$1 30 3 30 1 80	6 40	3 20
San Bernardino	San Bernardino	To Sacramento To Colton via Lathrop Thence to San Bernardino	Sacramento and Placerville R. R. C. P. W. Div. and C. and S. P. R. R. Stage	192½ 22 503 3		25 00	12 50
San Diego	San Diego	To Sacramento To Lathrop To Colton To San Diego	Sacramento and Placerville R. R. Western Division Central Pacific R. R. Central and Southern Pacific R. R. California Southern R. R.	528 22 57 446 123 648	\$1 30 23 20 6 00	30 50	15 25

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ROUTES, CONVEYANCES, DISTANCES, AND FARES FROM STATE PRISON AT FOLSOM TO COUNTY SEATS—CONTINUED.

County.	Town.	Route.	Conveyance.	Miles.	Fare.	Total Fare.	Half Fare.
San Francisco	San Francisco	To Sacramento To San Francisco	Sacramento and Placerville R. R. Central Pacific R. R.	22 90	\$1 30 3 30	\$4 60	\$2 30
San Joaquin	Stockton	To Sacramento To Stockton	Sacramento and Placerville R. R. Western Division Central Pac. R. R.	112 22 48	\$1 30 1 90	3 20	1 60
San Luis Obispo	San Luis Obispo	To Sacramento To San Francisco To Port Harford To San Luis Obispo	Sacramento and Placerville R. R. Central Pacific R. R. Per P. C. Steamers S. L. O. and S. M. V. R. R.	70 22 90 199 11	\$1 30 3 30 10 80		
San Mateo	Redwood City	To Sacramento To San Francisco To Redwood	Sacramento and Placerville R. R. Central Pacific R. R. Southern Pacific R. R.	322 22 90 29	\$1 30 3 30 1 00	15 40	7 70
Santa Barbara	Santa Barbara	To Sacramento To Lathrop To Newhall To Santa Barbara	Sacramento and Placerville R. R. Western Division Central Pacific R. R. Central and Southern Pacific R. R. Stage	141 22 57 358 78	\$1 30 19 45 7 00	5 60	2 80
Santa Clara	San José	To Sacramento To San José	Sacramento and Placerville R. R. Western Division Central Pacific R. R.	515 22 127 149	\$1 30 3 30	27 75	13 90
						4 60	2 30

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Santa Cruz	Santa Cruz	To Sacramento To San José To Santa Cruz	Sacramento and Placerville R. R. Central Pacific R. R. South Pacific Coast R. R.	22 127 33	\$1 30 3 30 1 75	6 35	3 20
Shasta	Shasta	To Sacramento To Redding To Shasta	Sacramento and Placerville R. R. Oregon Division Central Pacific R. R. Stage	182 22 170 6	\$1 30 6 30 1 05	8 65	4 35
Sierra	Downieville	To Sacramento To Marysville To Downieville	Sacramento and Placerville R. R. Oregon Division Central Pacific R. R. Stage	198 22 52 67	\$1 30 2 10 10 00	13 40	6 70
Siskiyou	Yreka	To Sacramento To Redding To Yreka	Sacramento and Placerville R. R. Oregon Division Central Pacific R. R. Stage	141 22 170 115	\$1 30 6 30 17 25	24 85	12 45
Solano	Fairfield	To Sacramento To Suisun	Sacramento and Placerville R. R. California Pacific R. R.	307 22 40	\$1 30 1 65	2 95	1 50
Sonoma	Santa Rosa	To Sacramento To San Francisco To Santa Rosa	Sacramento and Placerville R. R. Central Pacific R. R. San Francisco and North Pacific R. R.	62 22 90 50½ 162½	\$1 30 3 30 2 00	6 60	3 30
Stanislaus	Modesto	To Sacramento To Modesto, via Lathrop	Sacramento and Placerville R. R. Central Pacific R. R.	22 77 99	\$1 30 3 10	4 40	2 20

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ROUTES, CONVEYANCES, DISTANCES, AND FARES FROM STATE PRISON AT FOLSOM TO COUNTY SEATS—CONTINUED.

County.	Town.	Route.	Conveyance.	Miles.	Fare.	Total Fare.	Half Fare.
Sutter	Yuba City	To Sacramento To Marysville	Sacramento and Placerville R. R. Oregon Division Central Pacific R. R.	22 52	\$1 30 2 10	\$3 40	\$1 70
Tehama	Red Bluff	To Sacramento To Red Bluff	Sacramento and Placerville R. R. Oregon Division Central Pacific R. R.	74 22 135	\$1 30 4 90	6 20	3 10
Trinity	Weaverville	To Sacramento To Redding To Weaverville	Sacramento and Placerville R. R. Oregon Div. Central Pacific R. R. Stage	157 22 170 46½	\$1 30 3 60 7 50	15 10	7 55
Tulare	Visalia	To Sacramento To Goshen, via Lathrop To Visalia	Sacramento and Placerville R. R. Central Pacific R. R.	238½ 22 204 8	\$1 30 8 20 75	10 25	5 15
Tuolumne	Sonora	To Sacramento To Milton, via Stockton Thence to Sonora	Sacramento and Placerville R. R. W. Div. Central Pacific R. R., Stockton and Copperopolis R. R. Stage	234 22 78 35	\$1 30 3 10 3 00	7 40	3 70
Ventura	San Buenaventura	To Sacramento To San Francisco To San Buenaventura	Sacramento and Placerville R. R. Central Pacific R. R. Pacific Coast steamer	135 22 90 311 423	\$1 30 3 30 12 00	16 60	8 30

Yolo	Woodland	To Sacramento To Woodland	Sacramento and Placerville R. R. California Pacific R. R.	22 23	\$1 30 90	2 20	1 10
Yuba	Marysville	To Sacramento To Marysville	Sacramento and Placerville R. R. Oregon Division Central Pacific R. R.	45 22 52 74	\$1 30 2 10	3 40	1 70

COUNTY SEATS, COUNTY OFFICERS, AND LEGAL DISTANCES.

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Counties.	County Seats.	Judges.	Clerks.	Sheriffs.	To Folsom.	To Sacramento.	To Napa.	To Stockton.	To San Quentin.
Alameda	Oakland	A. M. Crane. W. E. Greene. N. Hamilton. M. D. Arnot, Jr. George Moore. P. O. Hundley. C. V. Gottschalk. E. A. Bridgford. Thomas A. Brown. James E. Murphy. George E. Williams. S. A. Holmes. J. P. Haynes. John A. Hannah. P. Brundage. R. J. Hudson. J. W. Hendrick. V. E. Howard. Y. Sepulveda. T. J. Powers. J. M. Corcoran. R. McGarvey. C. H. Marks. G. F. Harris. R. M. Briggs. J. K. Alexander. W. C. Wallace. John Caldwell.	Truman H. Allen. W. W. Harvey. Thomas Conlon. F. A. Peachy. R. M. Redmond. W. H. Miles. L. C. Wittenmeyer. P. A. Peveler. E. A. Witner. A. M. Clark. L. T. Kinsey. John Crough. A. T. Lightner. Thomas Brynum. W. T. Maslen. A. W. Potts. George W. Davis. Jarvis Streeter. W. L. Bransford. J. H. Simonsen. F. S. Chapman. Ben. H. Miller. M. L. Dexter. N. L. Nielsen. F. G. Beatty.	C. McCleverty. J. B. Scott. Matthew Murray. S. McClellan. B. K. Thorn. M. Davis. D. P. Mahan. W. H. Otto. Thomas A. Galt. M. J. Donahoe. T. M. Brown. S. G. Gregg. W. R. Bower. L. H. Boggs. Jerry Leaky. A. T. Currier. George Mason. John F. Clarke. J. M. Standley. A. J. Meany. C. C. Rachford. C. F. McKinney. J. E. Graves. B. James. R. D. Carter.	113	91	46	85	19
Alpine	Markleeville				247	225	286	273	321
Amador	Jackson				81	59	110	59	145
Butte	Oroville				100	78	139	126	174
Calaveras	San Andreas				95	73	134	60	164
Colusa	Martinez				102	80	141	128	176
Contra Costa	Crescent City				111	89	27	121	41
Del Norte	Placerville				386	364	319	372	292
El Dorado	Fresno				46	61	122	109	157
Fresno	Humboldt				191	169	330	113	207
Humboldt	Eureka				334	312	247	320	240
Inyo	Independence				493	471	532	423	508
Kern	Bakersfield				300	278	339	230	315
Lake	Lakeport				226	204	159	212	132
Lassen	Susanville				205	183	244	231	279
Los Angeles	Los Angeles				500	478	433	486	406
Marin	San Rafael				118	96	51	104	3
Mariposa	Mariposa				178	156	217	109	193
Mendocino	Ukiah				227	205	100	213	133
Merced	Merced				136	114	175	66	152
Modoc	Alturas				401	379	440	427	475
Mono	Bridgeport				318	296	357	344	392
Monterey	Salinas City				218	196	157	148	130
Napa	Napa City				83	61	---	87	51
Nevada	Nevada City				93	71	132	119	167

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Placer	Auburn	B. F. Myers	T. J. Nichols	A. Huntley	59	37	98	85	133
Plumas	Quincy	G. G. Clough	James A. Orr	W. S. Dean	158	136	197	184	232
Sacramento	Sacramento	T. B. McFarland	Charles M. Coglan	A. H. Estill	22	---	61	48	96
San Benito	Hollister	John W. Armstrong	T. F. McMahon	W. F. Burnett	195	173	134	125	107
San Bernardino	San Bernardino	J. F. Breen	W. F. Holcomb	J. E. Burkhardt	610	588	543	530	516
San Diego	San Diego	H. C. Rolfe	J. M. Dodge	E. W. Bushyhead	588	566	321	574	496
San Francisco	San Francisco	W. T. McNealy	W. T. Seson	Patrick Connolly	106	84	39	92	12
San Francisco	San Francisco	Thomas K. Wilson	---	---	---	---	---	---	---
San Francisco	San Francisco	J. F. Sullivan	---	---	---	---	---	---	---
San Francisco	San Francisco	J. V. Coffey	---	---	---	---	---	---	---
San Francisco	San Francisco	E. G. Maguire	---	---	---	---	---	---	---
San Francisco	San Francisco	John Hunt, Jr.	---	---	---	---	---	---	---
San Francisco	San Francisco	M. A. Edmonds	---	---	---	---	---	---	---
San Francisco	San Francisco	O. P. Evans	---	---	---	---	---	---	---
San Francisco	San Francisco	F. W. Lawler	---	---	---	---	---	---	---
San Francisco	San Francisco	John F. Finn	---	---	---	---	---	---	---
San Francisco	San Francisco	F. M. Clough	---	---	---	---	---	---	---
San Francisco	San Francisco	D. J. Toohy	---	---	---	---	---	---	---
San Francisco	San Francisco	Robert Ferral	---	---	---	---	---	---	---
San Francisco	San Francisco	A. V. B. Paterson	C. W. Yolland	Thomas Cunningham	70	48	87	---	104
San Francisco	San Francisco	W. L. Buckley	Nathan King	John Scott	315	293	248	287	221
San Francisco	San Francisco	Louis McMurry	J. M. Bicknell	J. H. Hatch	127	105	60	113	33
San Francisco	San Francisco	Edw. F. Head	A. B. Williams	R. J. Broughton	391	369	324	377	297
San Francisco	San Francisco	D. P. Hatch	W. H. Owens	B. F. Branham	150	128	89	80	62
San Francisco	San Francisco	D. Belden	---	---	---	---	---	---	---
San Francisco	San Francisco	F. E. Spencer	H. E. McKinney	Elmer Dakan	227	205	160	151	133
San Francisco	San Francisco	J. H. Logan	T. B. Smith	W. E. Hopping	199	177	238	225	273
San Francisco	San Francisco	Aaron Bell	H. Strange	W. H. Mead	141	119	170	167	215
San Francisco	San Francisco	A. J. Howe	J. M. Davidson	W. R. Boyd	307	285	346	333	371
San Francisco	San Francisco	Elijah Steele	W. J. Costigan	A. Kirby	61	40	21	88	56
San Francisco	San Francisco	J. M. Gregory	R. A. Thompson	T. Bishop	163	141	35	149	69
San Francisco	San Francisco	Jackson Temple	C. F. McCarthy	A. S. Fulkert	99	77	138	30	114
San Francisco	San Francisco	John G. Pressley	W. H. Lee	S. C. Deane	72	50	111	98	146
San Francisco	San Francisco	A. Hewell	E. S. Campbell	R. Martin	157	135	196	183	231
San Francisco	San Francisco	P. W. Keyser	C. P. Braynard	J. H. Smith	139	217	278	295	313
San Francisco	San Francisco	T. E. Jones	C. W. Smith	W. F. Martin	233	211	272	163	249
San Francisco	San Francisco	W. W. Cross	L. Gilroy	George McQuade	122	100	161	66	166
San Francisco	San Francisco	J. F. Rooney	I. J. Potter	A. J. Snodgrass	414	392	347	400	320
San Francisco	San Francisco	J. D. Hines	M. O. Harling	Jason Watkins	51	29	41	68	92
San Francisco	San Francisco	E. E. Bush	J. K. Hare	H. L. McCoy	74	52	113	100	146
San Francisco	San Francisco	P. W. Keyser	---	---	---	---	---	---	---



MEASUREMENT AND WEIGHT OF GRANITE.

DIMENSIONS.	ONE FOOT LONG.			TWO FEET LONG.			THREE FEET LONG.			FOUR FEET LONG.			FIVE FEET LONG.		
	MEASUREMENT.			MEASUREMENT.			MEASUREMENT.			MEASUREMENT.			MEASUREMENT.		
	WEIGHT—Lbs.			WEIGHT—Lbs.			WEIGHT—Lbs.			WEIGHT—Lbs.			WEIGHT—Lbs.		
	Feet.	Inch.	12ths.	Feet.	Inch.	12ths.	Feet.	Inch.	12ths.	Feet.	Inch.	12ths.	Feet.	Inch.	12ths.
6 by 8 inches.....	4	6	90	8	6	180	12	6	270	16	6	360	20	6	450
6 by 9 inches.....	4	6	100	8	6	200	12	6	300	16	6	400	20	6	500
6 by 10 inches.....	5	6	110	10	6	220	14	6	330	18	6	440	24	6	550
6 by 11 inches.....	5	6	120	11	6	240	15	6	360	19	6	480	25	6	600
6 by 12 inches.....	6	6	130	12	6	260	16	6	390	20	6	520	26	6	650
6 by 13 inches.....	6	6	140	13	6	280	17	6	420	21	6	560	27	6	700
6 by 14 inches.....	7	6	150	14	6	300	18	6	450	22	6	600	28	6	750
6 by 15 inches.....	7	6	160	15	6	320	19	6	480	23	6	640	29	6	800
6 by 16 inches.....	8	6	170	16	6	340	20	6	510	24	6	680	30	6	850
6 by 17 inches.....	8	6	185	17	6	370	21	6	555	25	6	740	31	6	925
6 by 18 inches.....	9	6	195	18	6	390	22	6	585	26	6	780	32	6	975
6 by 19 inches.....	9	6	205	19	6	410	23	6	615	27	6	810	33	6	1,025
6 by 20 inches.....	10	6	215	20	6	430	24	6	645	28	6	840	34	6	1,075
6 by 21 inches.....	11	6	225	21	6	450	25	6	675	29	6	870	35	6	1,125
6 by 22 inches.....	11	6	235	22	6	470	26	6	705	30	6	900	36	6	1,175
6 by 23 inches.....	11	6	250	23	6	500	27	6	750	31	6	940	37	6	1,225
6 by 24 inches.....	12	6	260	24	6	520	28	6	780	32	6	980	38	6	1,275
7 by 12 inches.....	7	7	150	14	7	300	21	7	450	28	7	600	35	7	750
7 by 13 inches.....	7	7	165	15	7	330	22	7	495	29	7	660	36	7	825
7 by 14 inches.....	8	7	175	16	7	350	23	7	525	30	7	700	37	7	875
7 by 15 inches.....	8	7	190	17	7	380	24	7	570	31	7	750	38	7	925
7 by 16 inches.....	9	7	200	18	7	400	25	7	600	32	7	800	39	7	975
7 by 17 inches.....	9	7	215	19	7	430	26	7	645	33	7	840	40	7	1,025
7 by 18 inches.....	10	7	225	20	7	450	27	7	675	34	7	880	41	7	1,075
7 by 19 inches.....	10	7	240	21	7	480	28	7	720	35	7	920	42	7	1,125
7 by 20 inches.....	11	7	250	22	7	500	29	7	750	36	7	960	43	7	1,175
7 by 21 inches.....	11	7	265	23	7	530	30	7	795	37	7	1,000	44	7	1,225
7 by 22 inches.....	12	7	275	24	7	550	31	7	825	38	7	1,040	45	7	1,275
7 by 23 inches.....	12	7	290	25	7	580	32	7	870	39	7	1,080	46	7	1,325
7 by 24 inches.....	13	7	300	26	7	600	33	7	900	40	7	1,120	47	7	1,375
8 by 12 inches.....	8	8	175	16	8	350	24	8	525	32	8	700	40	8	875
8 by 13 inches.....	8	8	190	17	8	380	25	8	570	33	8	750	41	8	925
8 by 14 inches.....	9	8	200	18	8	400	26	8	600	34	8	800	42	8	975
8 by 15 inches.....	9	8	215	19	8	430	27	8	645	35	8	840	43	8	1,025
8 by 16 inches.....	10	8	230	20	8	460	28	8	690	36	8	880	44	8	1,075
8 by 17 inches.....	10	8	245	21	8	490	29	8	735	37	8	920	45	8	1,125
8 by 18 inches.....	11	8	260	22	8	520	30	8	780	38	8	960	46	8	1,175
8 by 19 inches.....	11	8	275	23	8	550	31	8	825	39	8	1,000	47	8	1,225
8 by 20 inches.....	12	8	290	24	8	580	32	8	870	40	8	1,040	48	8	1,275
8 by 21 inches.....	12	8	305	25	8	610	33	8	915	41	8	1,080	49	8	1,325
8 by 22 inches.....	13	8	320	26	8	640	34	8	960	42	8	1,120	50	8	1,375
8 by 23 inches.....	13	8	335	27	8	670	35	8	1,005	43	8	1,160	51	8	1,425
8 by 24 inches.....	14	8	350	28	8	700	36	8	1,050	44	8	1,200	52	8	1,475
9 by 12 inches.....	9	9	195	18	9	390	27	9	585	36	9	810	45	9	1,012
9 by 13 inches.....	9	9	210	19	9	420	28	9	630	37	9	840	46	9	1,062
9 by 14 inches.....	10	9	225	20	9	450	29	9	675	38	9	880	47	9	1,112
9 by 15 inches.....	10	9	240	21	9	480	30	9	720	39	9	920	48	9	1,162
9 by 16 inches.....	11	9	255	22	9	510	31	9	765	40	9	960	49	9	1,212
9 by 17 inches.....	11	9	270	23	9	540	32	9	810	41	9	1,000	50	9	1,262
9 by 18 inches.....	12	9	285	24	9	570	33	9	855	42	9	1,040	51	9	1,312
9 by 19 inches.....	12	9	300	25	9	600	34	9	900	43	9	1,080	52	9	1,362
9 by 20 inches.....	13	9	315	26	9	630	35	9	945	44	9	1,120	53	9	1,412
9 by 21 inches.....	13	9	330	27	9	660	36	9	990	45	9	1,160	54	9	1,462
9 by 22 inches.....	14	9	345	28	9	690	37	9	1,035	46	9	1,200	55	9	1,512
9 by 23 inches.....	14	9	360	29	9	720	38	9	1,080	47	9	1,240	56	9	1,562
9 by 24 inches.....	15	9	375	30	9	750	39	9	1,125	48	9	1,280	57	9	1,612
10 by 12 inches.....	10	10	215	20	10	430	24	10	465	32	10	490	40	10	515
10 by 13 inches.....	10	10	230	21	10	460	25	10	495	33	10	520	41	10	545
10 by 14 inches.....	11	10	245	22	10	490	26	10	530	34	10	550	42	10	575
10 by 15 inches.....	11	10	260	23	10	520	27	10	565	35	10	580	43	10	605
10 by 16 inches.....	12	10	275	24	10	550	28	10	600	36	10	610	44	10	635
10 by 17 inches.....	12	10	290	25	10	580	29	10	635	37	10	640	45	10	665
10 by 18 inches.....	13	10	305	26	10	610	30	10	670	38	10	670	46	10	695
10 by 19 inches.....	13	10	320	27	10	640	31	10	705	39	10	700	47	10	725
10 by 20 inches.....	14	10	335	28	10	670	32	10	740	40	10	740	48	10	755
10 by 21 inches.....	14	10	350	29	10	700	33	10	775	41	10	770	49	10	785
10 by 22 inches.....	15	10	365	30	10	730	34	10	810	42	10	810	50	10	815
10 by 23 inches.....	15	10	380	31	10	760	35	10	845	43	10	840	51	10	845
10 by 24 inches.....	16	10	395	32	10	790	36	10	880	44	10	880	52	10	875
11 by 12 inches.....	11	11	235	22	11	470	24	11	505	32	11	530	40	11	555
11 by 13 inches.....	11	11	250	23	11	500	25	11	540	33	11	560	41	11	585
11 by 14 inches.....	12	11	265	24	11	530	26	11	575	34	11	590	42	11	615
11 by 15 inches.....	12	11	280	25	11	560	27	11	610	35	11	620	43	11	645
11 by 16 inches.....	13	11	295	26	11	590	28	11	645	36	11	650	44	11	675
11 by 17 inches.....	13	11	310	27	11	620	29	11	680	37	11	690	45	11	705
11 by 18 inches.....	14	11	325	28	11	650	30	11	715	38	11	720	46	11	735
11 by 19 inches.....	14	11	340	29	11	680	31	11	750	39	11	750	47	11	765
11 by 20 inches.....	15	11	355	30	11	710	32	11	785	40	11	790	48	11	795
11 by 21 inches.....	15	11	370	31	11	740	33	11	820	41	11	820	49	11	825
11 by 22 inches.....	16	11	385	32	11	770	34	11	855	42	11	850	50	11	855
11 by 23 inches.....	16	11	400	33	11	800	35	11	890	43	11	890	51	11	885
11 by 24 inches.....	17	11	415	34	11	830	36	11	925	44	11	920	52	11	915
12 by 12 inches.....	12	12	260	24	12	520	24	12	520	24	12	520	24	12	520
12 by 13 inches.....	12	12	280	25	12	560	25	12	560	25	12	560	25	12	560
12 by 14 inches.....	13	12	300	26	12	600	26	12	600	26	12	600	26	12	600
12 by 15 inches.....	13	12	320	27	12	640	27	12	640	27	12	640	27	12	640
12 by 16 inches.....	14	12	340	28	12	680	28	12	680	28	12	680	28	12	680
12 by 17 inches.....	14	12	360	29	12	720	29	12	720	29	12	720	29	12	720
12 by 18 inches.....	15	12	380	30	12	760	30	12	760	30	12	760	30	12	760
12 by 19 inches.....	15	12	400	31	12	800	31	12	800	31	12	800	31	12	800
12 by 20 inches.....	16	12	420	32	12	840	32	12	840	32	12	840	32	12	840
12 by 21 inches.....	16	12	440	33	12	880	33	12	880	33	12	880	33	12	880