

APPENDIX 3.

AN ACT to authorize the incorporation of canal companies and the construction of canals, approved May 14, 1862.

SECTION 1. Corporations may be formed under the provisions of an act entitled "An act to provide for the formation of corporations for certain purposes," passed April fourteenth, eighteen hundred and fifty-three, and the several acts amendatory thereof and supplementary thereto, for the following purposes: The construction of canals for the transportation of passengers and freights, or for the purpose of irrigation or water-power, or for the conveyance of water for mining or manufacturing purposes, or for all of such purposes.

SEC. 2. The right is hereby granted to any company organized under the authority of this act to construct all works necessary to the objects of the company, to make all surveys necessary to the selection of the best site for the works and of the lands required therefor, and to acquire all lands, waters not previously appropriated, and other property necessary to the proper construction, use, supply, maintenance, repairs, and improvements of the works, in the manner, and by the mode of proceedings prescribed in an act entitled "An act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto," passed May twentieth, eighteen hundred and sixty-one.

SEC. 3. Every company organized as aforesaid shall have power, and the same is hereby granted, to make rules and regulations for the management and preservation of their works not inconsistent with the laws of this State, and for the use and distribution of the waters and the navigation of the canals, and to establish, collect, and receive rates, water-rents, or tolls, which shall be subject to regulation by the board of supervisors of the county or counties in which the work is situated, but which shall not be reduced by the supervisors so low as to yield to the stockholders less than one and one-half per cent. per month upon the capital actually invested.

SEC. 4. Every company organized under the authority of this act shall construct and keep in good repair at all times, for public use across their canal, all of the bridges that the board of supervisors of the county or counties in which such canal is situated shall require, said bridges being on the lines of public highways, and necessary for public use in connection with such highways.

SEC. 5. The provisions of this act shall not apply to the counties of Nevada, Placer, Amador, Sierra, Klamath, Del Norte, Trinity, Butte, Plumas, Calaveras, and Tuolumne.

SEC. 6. This act shall take effect from and after its passage.

ACT OF CONGRESS APPROVED JULY 26, 1866.

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SEC. 9. *And be it further enacted,* That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed.

 ACT OF THE LEGISLATURE OF CALIFORNIA, APRIL 2, 1870.

AN ACT to authorize the incorporation of canal companies, and to provide for the construction of canals and ditches.

SECTION 1. Corporations may be formed under the provisions of the act of April fourteenth, eighteen hundred and fifty-three, entitled "An act to provide for the formation of corporations for certain purposes, and of the several acts amendatory thereof and supplementary thereto, for the following purposes, namely, the construction of canals for the transportation of passengers and freights, for the supplying water for irrigation, for procuring water-power, for conveying water for mining or manufacturing purposes, or for all such purposes combined.

SEC. 2. The right is hereby granted to any company organized under this act, or which may have been organized under preceding acts, to construct all reservoirs, dams, embankments, canals, ditches, and other works necessary to the objects of such company; to make the surveys necessary to the selection of the sites and routes of such works, and to acquire all lands, waters not previously appropriated, and other property required for the proper construction, use, supply, maintenance, repairs, and improvements of the same, in the manner hereinafter provided.

SEC. 3. Any company organized in pursuance of this act, or any company organized under any pre-existing acts for similar purposes, shall have the power to locate or fix up on the line or route of its proposed ditch or canal, and select the site or sites of its proposed dams, embankments, and reservoirs in conformity with the designation of its engineers or business manager.

SEC. 4. In case the route so fixed upon, or any part therefor, or the site so selected, be upon land owned by individuals, or upon public land possessed and occupied by individuals, and the right to such route or site over or upon such land has not been acquired by agreement with such owners

or occupant, then it shall be lawful for such company to present to the county judge of the county wherein such land is situated a petition, verified by an officer or agent of the company, showing that such route or site is necessary to such company, that it passes over or is upon such land, and that a right to the same has not been acquired by agreement with the owner or occupant (naming him) of the land. It shall conclude with a prayer for the appointment of commissioners to assess the damages resulting to such owner or occupant, because of the selection and appropriation of such route or site.

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SEC. 12. Every company organized in pursuance of this act shall construct and keep in good repair, at all times, for public use, the various bridges across any canal or ditch owned by it, required by the board of supervisors of the county wherein such crossing is situated, such bridge being on the line or crossing a public highway or county road, and necessary for public use.