

public use under the provisions of said Order Number Eight Hundred, or by virtue of the terms of an Act of Congress approved March eighth, eighteen hundred and sixty-six, entitled an Act to quiet the title to certain lands within the corporate limits of the City of San Francisco.

SEC. 2. Whenever the report of appraisal mentioned in section ten of said Order Number Eight Hundred shall have been made and filed, as therein provided, it shall be the duty of the City and County Recorder to make out, certify and deliver to the Tax Collector of said city and county a copy of the same, which copy shall be deemed and held to have the same force, effect and validity, in regard to the sums therein assessed, as an assessment roll duly approved by the Board of Equalization in regard to State and county taxes. The said Tax Collector shall proceed to collect the said several sums of money assessed in said report in the same manner as State and county taxes are collected by him in said city and county; and all the provisions of the various Acts relating to the collection of the public revenue in said city and county not inconsistent with the provisions of said Order Number Eight Hundred, nor the provisions of this Act, shall apply to the collection of the sums of money so assessed as aforesaid.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCXLIII.

An Act to incorporate the Town of Redwood City.

[Approved March 27, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that tract of land now called the Town of Redwood City, in the County of San Mateo, State of California, lying and including all within the following limits—that is to say: Beginning at a point on the marsh eighty rods east of the easterly termination of Seventeenth (17th) street; thence west to the easterly termination of said Seventeenth street; thence westerly, along the northerly line of Seventeenth street, to the easterly line of the county road leading from the City of San Francisco to San José; thence along the easterly line of said county road to the southwest corner of the eastern addition to the Town of Redwood City; thence, along the southeasterly line of said addition, to the westerly line of Miles D. Sweeney's land; thence easterly, in the same direction of the last named course, to the easterly line of the Ranch de las Pulgas; thence east eighty rods; thence northerly to the place of beginning—shall hereafter constitute and be known as the Town of Redwood City.

SEC. 2. The government of said town shall be vested in a Board of Trustees to consist of five members, a Town Marshal,

Assessor and Treasurer. Said town shall be a body politic and corporate by the name and style of the "Town of Redwood City;" and by that name they and their successors shall be known in law, have perpetual succession, and may sue and be sued in all Courts and in all actions whatsoever, and may provide for the use and regulation of all the commons and property, both real and personal, belonging to the town, by lease or otherwise.

When
elected.

SEC. 3. Said Trustees, Marshal, Assessor and Treasurer shall be elected by the qualified electors of said town on the first Monday in May, A. D. eighteen hundred and sixty-eight, and their successors on the first Monday in May each and every succeeding year thereafter, at an election to be held for that purpose by the legal voters resident in said town; and they shall hold their offices for one year, and until their successors are elected and qualified.

Election.

SEC. 4. For the first election held to fill offices created by this Act, the present Board of Trustees of said town shall appoint one Inspector and two Judges of Election, who, together with two Clerks to be appointed by them, shall take the oath of office prescribed by law for Inspector and Judges of State and county elections, to be held at a place to be designated by said Board of Trustees, declare the polls open, proceed to receive votes, and declare the result. No person shall be entitled to vote nor hold any office by this Act created unless he shall be a citizen of the United States and has been a resident of said town for thirty days, and is a qualified elector of the State. To entitle any person to vote at any election to be held under the provisions of this Act, it shall only be necessary for such person, at the time he offers his vote, to prove to the satisfaction of the Judges of such election that he is a citizen of the United States, has resided in said town thirty days prior thereto, and is an elector under the laws of this State. The oath of such person offering to vote shall be received as evidence of the facts necessary to entitle him to vote; and any person swearing falsely in order to vote at any such election shall be liable to all the pains and penalties attached to perjury. The person having a plurality of all the votes cast shall be declared elected. All returns of town elections shall be made out and signed by the officers of election and filed with the Town Clerk. The polls for all town elections shall be opened at one o'clock P. M. and continue open until seven o'clock P. M. of the same day. Vacancies to be filled as by law provided.

Meetings of
Trustees.

SEC. 5. The Board of Trustees shall assemble within ten days after receiving notice of their election, and choose a President from their number and some person as Clerk. They shall, by ordinance, fix the times and place of holding their stated meetings, and may be convened by the President at any time; and all meetings of the Board shall be held within the corporate limits of said town, and shall be public.

SEC. 6. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

SEC. 7. The Board of Trustees shall judge of the qualification and of the election returns of their own members, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other persons for disorderly behavior in their presence. They shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken on any question and entered on the journal.

Duties and
powers of
Board of
Trustees.

SEC. 8. The Board of Trustees shall have power within said town:

First—To make by-laws and ordinances not repugnant to the Constitution and laws of this State.

Second—To construct and keep in repair pumps, aqueducts, reservoirs or other works necessary for duly supplying the town with water.

Third—To lay out, alter, open and keep open and repair the streets, sidewalks and alleys of the town, and to determine the width and grade of all sidewalks in the town.

Fourth—To provide such means as they may deem necessary to protect the town from injuries by fire.

Fifth—To levy and collect annually not to exceed one per cent. on the assessment valuation of all property, both real and personal, within the limits of the town.

Sixth—To impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of the age of twenty-one years and upwards.

Seventh—To impose and collect a tax of not to exceed five dollars per annum on every dog owned within the limits of the town.

Eighth—To provide for the draining, the establishment of uniform grades, paving, improvement, repairs and lighting of the streets, and the construction of sidewalks, drains and sewers, and the keeping the same in repair, and the prevention and removal of obstructions on the sidewalks and on all the streets and public grounds of the town.

Ninth—To borrow money upon the faith and credit of the town; but no loan shall be made for a sum exceeding five thousand dollars, nor without the consent to such loan of the electors of the town, previously obtained as hereinafter provided.

Tenth—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the foregoing powers.

SEC. 9. The Board of Trustees may by ordinance designate the fines to be imposed for the breach of their ordinances; but no fine shall be imposed on any one person for any one breach of any ordinance of more than fifty dollars, which fine may be recovered before any Justice of the Peace having his office within the incorporate limits of the town, by suit in the name of the Town of Redwood City, and collected by execution or in such other manner as fines imposed by the laws of the State are collected; and persons living within the limits of the town shall be competent jurors and witnesses, if in other respects competent and qualified. All fines collected under this Act shall, by the officers collecting the same, be paid over to the Town Treasurer; and for any omission to do so, such officer may be proceeded against upon his official bond, in the name of the town, in the

Violation of
ordinances.

manner authorized by law on the failure of officers to pay over money collected when so required.

SEC. 10. The Board of Trustees shall have power to designate the fines and imprisonment to be imposed for any breach or violation of any town ordinance; but no fine shall be for a larger amount than fifty dollars, nor any imprisonment for more than thirty days, for any offence.

Succession. SEC. 11. The Trustees of the Town of Redwood City shall succeed to all the rights, liabilities, titles, interests, possessions, credits, immunities, debts and obligations, in law or in equity, that shall be enjoyed or owed by the Board of Trustees at the time of taking effect of this Act, or the government of said town since the first incorporation, with its rights, incidents and liabilities. The said Trustees may purchase, hold and receive property, real and personal, within said town necessary for public purposes.

Sidewalks. SEC. 12. If at any time the owners of a majority of the real estate fronting on one side of any street, between two given points on such street, shall petition the Board of Trustees to order to be constructed or repaired a sidewalk along said street and between said given points, then it shall be the duty of said Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the sidewalk to be constructed or repairs to be made, and shall order said improvements, as petitioned for, to be made in accordance with said plans and specifications, and shall make an assessment of the costs thereof to each of the persons owning the real estate between said given points, each of said persons to pay the cost of said improvement in front of his property; and the same shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvements in front of his property, in accordance with the specifications and within the time mentioned in the ordinance ordering the improvements to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the town against the owner for the recovery of said costs, and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The said Trustees may require said sidewalks, after such improvements have been made, to be kept in good repair by the owners of said real estate; and if not repaired when ordered, the Marshal may let out the making of said repairs, and collect the cost of the same in the same manner as in the case of the owners failing to make or pay for the cost of the improvement as aforesaid; *provided*, that the cost of the plans and specifications shall be paid out of the General Fund of the town; and *provided* further, that all street crossings for sidewalks shall be made at the expense of the owners of the quarter blocks adjacent to said crossing.

SEC. 13. If at any time the owners of more than one half in frontage of lots and lands fronting on any street between two given points on such street, or their duly authorized agent, shall petition the Board of Trustees to order to be graded, macadamized or otherwise improved such street between said points, then it shall be the duty of said Board of Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the improvement to be made on such street, and shall order said improvement, as petitioned for, to be made in accordance with said plans and specifications, and may make an assessment of one half of the cost thereof to each of the persons owning the real estate fronting on said street between said points, each of said persons to pay one half of the cost of making said improvement in front of his property; or said Board of Trustees may assess less than one half of the cost of said improvement to each of the owners of the real estate fronting on said street, and may pay out of the town treasury such amount as may be necessary to complete said improvement. Whatever amount may be assessed against said real estate as aforesaid in this section by said Board of Trustees shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvement in front of his property, in accordance with the plans and specifications and within the time mentioned in the ordinance ordering the improvement to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out in the manner provided by ordinance the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the town against the owner for the recovery of said costs; and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The plans and specifications provided for in this section shall be paid for out of the Town Treasury.

SEC. 14. The assessments provided for in sections twelve and thirteen of this Act shall be made upon the lots and lands fronting upon the street to be improved, each lot or portion of lot being separately assessed, in proportion to its frontage, at such rate per front foot as the Board of Trustees may have agreed upon, not to exceed the one half of the cost of such improvement in front of such property.

SEC. 15. Whenever any street to be improved as provided in section thirteen of this Act shall cross any other street, then the expense of the improvement on such crossing shall be assessed by the Board of Trustees upon the four quarter blocks adjoining and cornering on the crossing; and each lot or part of a lot in such quarter block fronting on such street where the improvement is being or about to be made shall be separately assessed according to its proportion of frontage on such street to be improved; *provided*, that said Board of Trustees may assess less than the entire cost of said improvement on said four quarter blocks, and may pay the balance out of the Town

Street im-
provements.

Annual
taxes.

Treasury. The Trustees shall fix by ordinance each year the amount of taxes to be levied and collected for current expenses; *provided*, that no tax to be levied for any one year shall exceed one per cent. on all the taxable property in said town.

Loans.

SEC. 16. Whenever the Board of Trustees shall desire to effect a loan for any sum not exceeding five thousand (\$5,000) dollars they shall submit a proposition for effecting such loan, stating the amount of such loan, to the electors of said town, at a special election to be held for the purpose, upon the Board of Trustees giving twenty days public notice of the same; and if a majority of the electors vote in favor of such proposition, the Board of Trustees shall have power to effect such loan, but not otherwise, and pledge the faith of the town for the payment of such loan; *provided*, that the aggregate amount of such loans shall not exceed the sum of five thousand dollars.

Power to
contract
debt limited.

SEC. 17. Neither the Board of Trustees, nor any officer, officers or authority, shall have power to contract any debt against said town, except as provided in the preceding section; and no person or property therein shall ever be liable to be assessed or be subject to taxation in any form to provide for the payment of any debt hereafter contracted, except as provided in the preceding section, or of any claim against the town, except such legal and proper expenses thereof as shall accrue after the commencement of the year for which the tax shall be levied; and no part of the moneys levied and collected by taxation for one year shall ever be applied toward the payment of any expenses, debt or liability incurred during any preceding year.

Ordinances.

SEC. 18. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected.

Equalization

SEC. 19. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meeting shall be held for such length of time as the Board of Trustees shall by ordinance fix.

Official oaths
and bonds.

SEC. 20. The Marshal, Treasurer, Assessor and Clerk, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and shall also give a bond, with sureties to be approved by the Board of Trustees of said town, payable to the Town of Redwood City, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices as required by law. Should the bond of any town officer become insufficient, he shall be required to give such additional security, within ten days, as the Board of Trustees may require, not exceeding the amount fixed by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant; and such vacancy shall be filled by appointment of the Board of Trustees.

Vacancies.

SEC. 21. If any vacancies shall occur in any of the offices created by this Act, they shall be filled by appointment of the Board of Trustees. Should any of the officers herein men-

tioned fail to qualify and give the bond required for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided in this Act. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees.

SEC. 22. Until the Board of Trustees shall pass such ordinances as may be required by this Act, the ordinances heretofore passed by the acting Board of Trustees of said town shall be legal and effectual as if passed under this Act, and the same shall be enforced by the town officers until others in their stead shall be passed by the Board of Trustees and published. Existing ordinances.

SEC. 23. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by the Board of Trustees; and no bill, demand or warrant shall be paid out of the Town Treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board and countersigned by the Clerk. Claims.

SEC. 24. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board—shall keep a correct journal of their proceedings; and, on receiving the official returns of all charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, notify the persons elected, and shall draw and countersign all orders drawn on the Town Treasurer; and he shall receive such compensation as said Board of Trustees may deem just, not to exceed fifty dollars per annum. Duty of Clerk.

SEC. 25. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized, to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to collect all taxes that shall at any time be due to said town; to receive the tax list, and upon the receipt thereof to proceed and collect the same at the time and in the manner as by ordinance may be provided—the said Marshal being hereby vested with the same powers to make collections of taxes as is or shall be conferred upon Tax Collectors for the collection of State and county revenue; and it shall be the duty of said Marshal to collect, in the same manner, any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes to the Town Treasurer monthly, taking his receipt therefor. Said Marshal shall receive such compensation for his services rendered under the provisions of this Act as the Board of Trustees may by ordinance fix, not to exceed fifty dollars per annum. Marshal.

SEC. 26. It shall be the duty of the Town Treasurer to receive and safely keep all moneys that shall come into the Town Treasury, and pay out the same on the order of the President of the Board of Trustees, countersigned by the Town Clerk, and take receipts therefor, and to perform such other duties as may be required of him by said Board; and shall Treasurer.

make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the Town Clerk; and, at the end of his official term, shall deliver over to his successor in office all moneys, books, papers or other property in his possession belonging to the town. Said Treasurer shall receive for his services under this Act such compensation as the Board of Trustees may by ordinance fix, not exceeding fifty dollars per annum.

Assessor.

SEC. 27. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the first Monday in May and the first Monday in August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Monday in August, by him be placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of the property shall be the same as that prescribed by law for assessing State and county taxes; and the Assessor shall receive for his services such sum as shall be fixed by ordinance, not to exceed fifty dollars per annum.

Payments in coin.

SEC. 28. All taxes, assessments and fines payable to the Town Treasury, and the costs of the improvements on any sidewalk, street or other town improvement, shall be payable only in the gold or silver coin of the United States.

Services of Trustees.

SEC. 29. The President of the Board of Trustees shall preside at all meetings of said Board when he shall be present; and for their services said Trustees shall receive no compensation.

County to pay.

SEC. 30. Whenever any improvements shall be made upon the streets or sidewalks of said town, in front of any property owned by the County of San Mateo, the proper proportion of the cost thereof shall be paid by said county out of the General Fund of said county.

SEC. 31. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXLIV.

An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots.

[Approved March 27, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

City or county liable

SECTION 1. Whenever any building or other real or personal property shall be or shall have been destroyed or injured in consequence of any mob or riot, the city or county in which such property was situated shall be liable, in an action by or in behalf of the party whose property was thus destroyed or injured, for the damages sustained by reason thereof.

SEC. 2. Such action or actions shall be brought in the county