

authorized to construct, equip and maintain in the City and County of San Francisco, is hereby extended for the period of two years from and after the first day of September, A. D. one thousand eight hundred and seventy.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCLXIX.

An Act to amend an Act entitled an Act to regulate the fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

[Approved April 4, 1870.]

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

SECTION 1. Section fifty-two of said Act is amended so as to read as follows:

Exempt

Section 52. The City and County of San Francisco is hereby exempted from all the provisions of this Act, excepting, however, the provisions of sections two and twenty-two of said Act, which are hereby made applicable to the said city and county.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER CCCCLXX.

An Act to incorporate the Town of Brooklyn and to define and establish the boundary line between said town and the City of Oakland.

[Approved April 4, 1870.]

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

CORPORATE NAME.

Corporate name.

SECTION 1. The people of Brooklyn Township, in Alameda County, within the limits of the Villages of Clinton, Lynn, Brooklyn and vicinity, are hereby appointed and constituted a body politic and corporate by the name of the Town of Brooklyn, and by that name shall have perpetual succession, may sue and defend in all Courts and places and in all actions, and shall have and use a common seal and alter the same at pleasure; and may purchase receive, hold and enjoy real and personal

property, and sell and dispose of the same for the common benefit, subject to the provisions and limitations of this Act, and in no other way whatsoever.

BOUNDARIES.

SEC. 2. Commencing at the bridge at the intersection of Euclid and Park avenues, as laid down upon the published map of Oakland and vicinity (of William F. Boardman, City and County Surveyor), and thence following in a northerly and easterly direction along the boundary line of the City of Oakland, and following said boundary line to a point opposite the centre of Prospect street; thence northeasterly, across Lake Shore avenue, to the centre of the highway leading to Lake Park; thence along the centre of said highway to an intersection with Indian Gulch; thence easterly, along the centre of said Indian Gulch, to the southerly and westerly line of the lands of John Ilampo (excluding said lands); thence along the westerly line of said lands to the county road leading to Moraya Valley, as shown on aforesaid map; thence easterly, along the northerly line of lands formerly the property of Duncan Cameron, to an intersection with Sausal Creek (at the southeast corner of Porter's plot); thence southerly, along said creek, to the northerly line of lands belonging to George Stevens; thence westerly, along said line, to the northwest corner of said lands, at the easterly line of Lynn, as shown on said map; thence southerly, along said line, to the northeast corner of the northern addition; thence southerly, along the easterly line of said northern addition, to northwest corner of the Cameron plot; thence easterly, along the northerly line of said Cameron plot, to the northwest corner of Ghiardelli plot; thence southerly, along the westerly line of said land, in a direct line prolonged, to the southerly line of the old county road; thence westerly, along the southerly line of said road, to the northeast corner of the land of Serin Vincent; thence southerly, along the dividing line between the lands of said Vincent and W. A. Bray prolonged in a direct line, to point in the south line of Adams avenue; thence westerly to the northwest corner of the lands of Joshua Tevis; thence southerly, along the westerly line of the lands of said Tevis, to the southwest corner thereof; thence easterly, along the line of Shell Mound Villa Tract, to the southeast corner of the land of Mrs. Reyna; thence southerly, in a direct line, to the place of beginning.

OFFICERS.

SEC. 3. The government of said town shall be vested in a Board of Trustees to consist of five members, an Assessor, and a Clerk, who shall be ex officio Treasurer. The Justice of the Peace and Constable now in office and residing within the limits of the Town of Brooklyn shall continue to perform the duties of Justice and Constable, respectively, in said town, until their term of office shall expire, and until their successors shall be elected and qualified.

ELECTION OF OFFICERS.

Election of officers.

SEC. 4. Said Trustees, Assessor and Clerk shall be elected by the qualified electors of said town on the first Monday in May, A. D. eighteen hundred and seventy, 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.

MEETINGS OF TRUSTEES.

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 when deemed necessary by the Board of Trustees, they may appoint a Clerk and Marshal, or either of them. They shall, by ordinance, fix the time and place of holding their stated meetings, and may be convened by the President at any time, by a written notice delivered to each member; 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.

DUTIES AND POWERS OF BOARD OF TRUSTEES.

Powers and duties of Board of Trustees.

SEC. 7. The Board of Trustees shall judge of the qualifications, and of the election and 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 ayes and noes to be taken on any question, and entered on the journal.

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 or the United States.

Second—To construct and keep in repair pumps, aqueducts, reservoirs or other works necessary for duly supplying the town with water, under the limitations hereinafter presented by this Act.

Third—To lay out, alter, open and keep open and repair the streets, sidewalks and alleys of the town, and determine the width and grade of all streets and sidewalks in the town; *provided*, that they shall not open or extend Fremont or Jefferson streets through the property of T. W. Badger. The said property is known upon the official map or plot of Brooklyn as fractional blocks numbers one and eleven.

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.

Powers and
Duties of
Board of
Trustees

Sixth—To impose and collect a road poll tax of not exceeding two dollars per annum on every male inhabitant of the age of twenty-one years and upwards, and no other road poll tax shall be collected within the limits of the Town of Brooklyn.

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

Eighth—To provide for the draining, the establishing of grades, improvements, repairs and lighting of the streets, and the construction of sidewalks, drains and sewers, and the keeping of the same in repair; to prevent the erection of slaughter houses, or the business of slaughtering animals within the limits of the town; to provide for the prevention and summary removal of all nuisances; to provide for the prevention and summary removal of all occupations detrimental to the public health, comfort and safety, and to provide for the prevention and regulation of contagious diseases; to suppress or regulate the erection of soap, glue or tan works; to suppress and prohibit gambling houses and all houses of ill fame and prostitution, and all occupations, houses, places, amusements and exhibitions, which are against good morals and contrary to public order and decency.

Ninth—To regulate the erection of steam boilers and engines, and to prohibit the erection thereof in places deemed dangerous to the inhabitants of the town.

Tenth—To prevent the leaving of any animals upon any street, alley or lane within the limits of the town, without securely fastening the same; also, to prevent the hitching or fastening of any animal to, or to prevent the posting of any notice or placard upon, or otherwise destroying or injuring any lamp-post or hydrant, or any tree upon any highways of the town, or any case or box around such tree.

Eleventh—To prevent the appearance of any person upon any highway or public place in a state of drunkenness or intoxication, or in any private house or grounds, to the annoyance of any person therein, and to prevent any person or persons from behaving in an indecent or lewd manner, or making any indecent exposure of his person, or performing any indecent, immoral or lewd play or representation, or the bathing in any public manner within the limits of the town; to prevent any noise, disorder or tumult to the disturbance of the public peace.

Twelfth—To prevent the discharge of fire-arms, pistols or cannon within prescribed limits; to prevent the immoderate riding or driving of any horse or other animal upon the highways within the town; to prevent any sport or exercise upon the highways or public grounds having a tendency to frighten horses; to empower any police officer or Justice of the Peace to disperse any disorderly crowd upon the highways or sidewalks.

Thirteenth—To provide for inclosing, improving and regulating all public grounds at the expense of the town.

Fourteenth—To license, tax and regulate all such business and

Powers and
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Board of
Trustees.

employments as the public good may require, and as may not be prevented by law; *provided*, that all licenses issued within the Town of Brooklyn, and heretofore made payable into the county treasury, shall be paid into the town treasury for the use of said town; and it shall be unlawful for any county officer to collect any such licenses within the said town.

Fifteenth—To permit the laying of railroad tracks and the running of street cars, drawn by horses, thereon, and to regulate the same.

Sixteenth—To erect, purchase or lease proper buildings for school purposes, or for a fire department.

Seventeenth—To provide for the good order of the town, and to appoint special policemen when deemed necessary to preserve the public peace.

Eighteenth—To purchase, hold and maintain a fire engine and such implements for the prevention and extinguishment of fires as may be necessary.

Nineteenth—To prevent horses, cattle, goats and swine from running at large, being picketed or herded upon the streets, alleys, lanes or public grounds within the limits of the town.

Twentieth—To establish a pound and a Poundkeeper, and prescribe his duties, and to provide for a public sale by the Poundkeeper of such animals as shall be impounded, in the same way and upon like notice that personal property is sold by execution under the laws of the State; *provided*, said Board of Trustees shall allow, by the proper order, the owner or owners of such property so impounded, to reclaim the same at any time before the sale, upon payment of costs and charges of taking up and impounding; and within thirty days after the sale, shall allow him or them, upon proof of ownership of the property sold, duly made before a Justice of the Peace, and upon payment of costs of impounding and selling, and upon the payment of the sum of one dollar to the said Justice, as a fee for the investigation of ownership, and for his certificate to that effect, the purchase money arising from such sale or sales.

Twenty-first—To provide for the lighting of such streets and buildings belonging to or in use by the town, as may be necessary; *provided*, that no contract for lighting any street shall be let for a longer period than five years.

Twenty-second—To offer and pay rewards for the arrest and conviction of persons charged with crime.

Twenty-third—To prescribe and fix such penalties for the violations of any of the provisions of this Act as are not otherwise provided for.

Twenty-fourth—To erect, purchase or lease a building necessary for the public meetings of the Board of Trustees; also, a suitable building for an engine house, and a structure suitable for a town prison; *provided*, that the amount expended for the construction of buildings shall not exceed four thousand dollars (\$4,000) in any one year; and *provided* further, that the amount expended for leasing shall not exceed one thousand dollars (\$1,000) in any one year.

Twenty-fifth—The Board of Trustees shall have power to order, in the general municipal election, on like notice and in the same manner as the other officers are elected, one or more Justices of

the Peace and one or more Constables, to hold office for one year and until their successors are elected and qualified.

Twenty-sixth—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the powers herein granted.

VIOLATION OF ORDINANCES.

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 one hundred dollars for any one offence, 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 Brooklyn, 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 manner authorized by law on the failure of officers to pay over money collected when so required.

Violation of ordinances.

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

PUBLIC SCHOOLS.

SEC. 11. At the same time that the Board of Trustees herein provided for is elected, there shall be elected three Trustees of Public Schools, who shall hold their office for one year, and until their successors are elected and qualified; *provided*, that no member of the Board of Trustees shall hold the office of School Trustee. The Trustees of Public Schools shall, on or before the first Monday of February in each year, submit in writing to the said Board of Trustees, a careful estimate of the amount required for the support of the public schools, and for carrying into effect all the provisions of the law with reference thereto, for the ensuing year, with an estimate of the amount of money to be received from the State and county, and the amount required from the town for the above purposes; and the amount so found to be required from the town, or so much thereof as may be agreed to by the Board of Trustees, shall by the said Board be added to the other amounts to be assessed and collected for town purposes; *provided*, the amount so assessed shall not exceed thirty-five cents on the one hundred dollars valuation, and when collected shall be paid into the School Fund, and be drawn out only on the order of the said School Trustees. And in case the said School Trustees shall require additional school lots or buildings, the estimates of cost of the same shall be submitted to the Board of Town Trustees, and if the said Board

Public schools.

approve, it shall provide for the same in the same manner as for other school expenses, or in such other manner as shall be lawful. The School Trustees shall have full control of all moneys raised for school purposes, and of all property created and obtained for school accommodation, and shall have power to establish and maintain public schools in accordance with the provisions of the general school law; *provided*, that no real estate shall be bought, sold or exchanged, or any new school buildings constructed, without the consent of two members of the School Trustees and three members of the Board of Trustees; and *provided* further, that the proceeds of any such sale or exchange shall be applied exclusively to the purchase of other lots or the erection of school houses. The School Trustees shall not have power to contract any debt or liability, in any form whatever, against the town. The said School Trustees shall hold meetings as often as once a month, and oftener, if deemed necessary. A majority of all the members elect shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The School Trustees may determine the rules of their proceedings. Their sessions shall be public, and their records shall be open to public inspection.

LAYING OUT AND OPENING STREETS.

Laying out
and opening
streets.

SEC. 12. *Article One*—Whenever a petition shall be presented to the Board of Trustees of the Town of Brooklyn, signed by the owners of a majority of the real estate fronting on both sides of any projected street, it shall be the duty of said Board to examine into said matter, and if, in the opinion of a majority of all the members elected to said Board, to be expressed by a resolution to be entered upon their minutes, with the names of members voting therefor, the benefits to arise from granting said petition, in whole or in part, will exceed the damages and expenses to be caused thereby, and the convenience of the public will thereby be promoted, they may, by resolution, direct an engineer to furnish a map of the said proposed improvement, and of the premises to be affected thereby, a copy of which resolution shall forthwith be transmitted by the Clerk of the said Board to said engineer.

Article Two—It shall be the duty of said engineer, upon receiving such notice, to proceed and survey the said proposed improvement; to make a map thereof, showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners and possessors thereof, showing the portions owned and possessed by each, and return the same to the Board of Trustees within ten days after the receipt of said resolution by him, unless longer time shall be granted by said Board.

Article Three—Upon receiving said map and return from said engineer, the said Board shall forthwith give notice, of not less than five days, by publication in a newspaper, if there be one published within said town; if there be no newspaper published in said town, then by posting notices at the place of meeting of said Board, and at three other public places in said Town of Brooklyn, of the time and place where they will hear all par-

tics desiring to show cause against said improvements; at the time and place designated in such notice, or at such subsequent time as the Board may adjourn to, but such adjournment shall not in the aggregate exceed seven days, the Board shall proceed with such hearing.

Laying out
and opening
streets.

Article Four—If no objection be made, or if, after hearing the objections thereto, the Board shall remain of the opinion that such improvement should be made, they shall elect, by ballot, three Commissioners, residents and property owners in said city, not interested, directly or indirectly, in the proposed improvement or in the property to be affected thereby, to assess the damages and benefits to be caused by said improvement. Within two days thereafter said Commissioners shall give notice of the time and place where they will proceed to examine the property to be affected by such improvement, by an advertisement for three days in a newspaper published in said town, if there be a newspaper published therein, and if not, by posting notices at the place of meeting of the Board, and at three other public places in said town. At the time and place named they shall proceed to examine the lands and improvements to be affected by the proposed improvements, and shall first ascertain the amount of damages to be sustained, the names of the owners of the property to be damaged and the amount to be paid to each of such owners therefor. They shall then assess upon the property to be benefited by such improvement a sum sufficient to pay the whole amount of said damages, and the fees and expenses of the said Commissioners, and shall apportion the same among the owners of the several parcels of property to be thus benefited, in proportion to the amount of benefits to accrue to each. In making such estimate and apportionment, they shall take all pertinent testimony that may be offered them, and may examine any witnesses that they shall deem it necessary or advisable to call, and shall have authority to administer oaths to all persons testifying before them. Within twenty-one days after their appointment, unless further time be granted by the Board of Trustees, they shall make a report to the said Board of the assessments and awards so made by them, with the names and amounts of the persons damaged or benefited as aforesaid.

Article Five—Upon receiving such report, said Board may, by ordinance, levy a tax upon the several parcels of property reported as benefited by said improvement, for the amounts severally charged against each in said report, which tax shall be a lien upon said several parcels of property severally, and shall not be removed until said tax is paid. Immediately after levying such tax, they shall give notice thereof by advertisement, requiring the owners of the property taxed to pay the amounts severally due each, to the Town Clerk, within ten days from the first publication of said notice. At the expiration of said ten days, there shall issue to the Town Marshal a warrant, to be signed by their President and Clerk, commanding him to levy and collect all of the said tax that shall be then unpaid, with his fees for collection, from the property upon which the same is a lien as aforesaid, and shall thereupon deliver the same to said Marshal.

Laying out
and opening
streets.

Article Six—Upon receiving said warrant, said Marshal shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which said unpaid tax is a lien, in the same manner and with the same authority as sales on execution by Sheriffs, and shall return said warrant, with his doings thereon, within thirty days after the receipt thereof by him. If, for any reason, the whole amount thereof shall not be collected, said Board may issue, with like effect, a subsequent warrant or warrants until all be collected.

Article Seven—As soon as money enough for the purpose is received from said tax, said Board shall direct the Marshal to pay or tender to each party to whom damages have been awarded, the sum severally due to them, and thereupon to proceed forthwith and open said street or other improvement; and the same shall thereupon be deemed to be open to public use, for the purpose and to the extent in the original ordinance prescribed. If any person or party entitled to damages cannot be found by said Marshal, he shall deposit the amount due to them in the town treasury as a special deposit, subject to their order, and the same shall be deemed a sufficient payment under this Act. The money so deposited shall not be drawn or used for any other purpose whatever.

Article Eight—All moneys collected under this Act shall be paid into the town treasury as a Special Fund, for the purposes for which they were collected, and shall not be drawn out or used for any other purpose whatever.

Article Nine—The engineer aforesaid, and the Commissioners to be appointed as herein prescribed, shall each have the right to go in or upon any property for the purpose of making the survey and examinations above mentioned, or for any other purpose necessary in the discharge of their duties under this Act. Said Commissioners shall each be entitled to three dollars for the first day, and two dollars for each subsequent day devoted to their duties as such Commissioners, and they shall not receive any other fees or compensation for such services.

CONSTRUCTION AND REPAIR OF SIDEWALKS.

Construction
and repair of
sidewalks.

SEC. 13. 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 a 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.

IMPROVEMENT OF STREETS.

SEC. 14. If at any time the owners of more than one-half in frontage of lots and lands fronting on any street or proposed 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

Improvement of streets.

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 herein provided for, and all costs and expenditures for the improvement and repair of the sidewalks in front of the public grounds of the town, and the one-half of the cost and expenditure of the improvement of the streets in front of such public grounds, shall be paid out of the town treasury.

STREET ASSESSMENTS.

Street
assessments.

SEC. 15. 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. 16. Whenever any street to be improved, as provided in section fourteen 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 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.

DEBT.

Debt.

SEC. 17. Neither the Board of Trustees, nor any officer, officers or authority, shall have power to contract any debt against said town, 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, or any claim against the town, except such legal or 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.

LEGAL ORDINANCES.

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

BOARD OF EQUALIZATION.

SEC. 19. The Board of Trustees shall constitute a Board of ^{Board of Equalization} 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, Assessor, Clerk and Treasurer, before entering upon the duties of their office, shall take the oath of office ^{Official oaths and bonds.} as prescribed by law, and also give a bond, with sureties to be approved by the Board of Trustees of said town, payable to the Town of Brooklyn, 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 ^{Vacancies.} created by this Act, they shall be filled by appointment of the Board of Trustees. Should any of the officers herein mentioned 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.

CLAIMS.

SEC. 22. 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.}

CLERK.

Clerk. **SEC. 23.** 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 he shall receive such compensation for his services as said Board of Trustees may by ordinance fix.

MARSHAL.

Marshal. **SEC. 24.** 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.

TREASURER.

Treasurer. **SEC. 25.** 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 Board of Trustees, countersigned by the President and Clerk, and take receipts therefor; and to perform such other duties as may be required of him by said Board of Trustees; and shall 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.

ASSESSOR.

Assessor. **SEC. 26.** 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, be by him 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. All assessments made upon real and personal property within the limits of the town by the County Assessor, for roads and school purposes, shall be transferred by the Town Assessor to the town assessment roll, and shall be collected by the Town Tax Collector at the same time and in the same manner as other town taxes are collected, and be paid into the town treasury, and be expended within the town limits for the purposes for which it was collected; and it shall be the duty of the County Assessor to deduct the same from the county assessment roll, and it shall be unlawful for the County Tax Collector to collect any of said taxes.

PAYMENTS IN COIN.

SEC. 27. 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 gold or silver coin of the United States. Payments in coin.

SERVICES OF TRUSTEES.

SEC. 28. 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 and President shall receive no compensation. Services of Trustees.

STYLE OF ORDINANCE.

SEC. 29. The style of the ordinance of the Town of Brooklyn shall be: "The Trustees of the Town of Brooklyn do ordain as follows." Style of ordinance.

SEC. 30. The Town Trustees are hereby authorized and required to procure the necessary books for the official records of the town. Record books.

SEC. 31. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 32. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXI.

An Act to authorize the construction of a swing or draw bridge across the San Antonio Creek, in the County of Alameda.

[Approved April 4, 1870.]

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

SECTION 1. The Mayor of the City of Oakland is hereby authorized to nominate and appoint five persons as Commissioners, three of whom shall be residents of the City of Oakland Appointment of Commissioners.