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# CHAPTER LXXXVIII.

## AN ACT

To Incorporate the Town of Eureka.

[Approved April 18th, 1856.]

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

SECTION 1. The inhabitants of the town of Eureka, in the County of Humboldt, are hereby declared incorporated under the name and style of the town of Eureka, and by that name they shall have perpetual succession, may sue and be sued, and may acquire, purchase, receive and hold property within the corporate limits of said town for their common benefit, and sell or otherwise dispose of the same. Incorporation.

SEC. 2. The boundaries of said town shall be as follows: Commencing at a point one hundred yards north of the corner of A and First Streets, in Humboldt Bay, and running south to the corner of Boundaries.

A and First Streets; thence southerly along A street to Sixteenth Street; thence easterly along Sixteenth Street to S Street; thence northerly along S Street to the corner of S and First Streets; thence north one hundred yards to a point in Humboldt Bay; thence westerly to the place of beginning.

Board of Trustees.

Term of Trustees.

Compensation.

Journal.

President and Clerk.

Powers and duties of Board of Trustees.

Licenses.

Streets.

Wharfs, etc.

Wharfage.

Obstructions to sidewalks.

Corporate property. Proviso.

Public auction.

Deeds.

Contra bonos mores.

Schools.

Fires.

Fines and penalties. Proviso.

Taxes.

How appropriated.

SEC. 3. The corporate powers of said town shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of said town, on the third Monday of June in each year, and shall hold office for the term of one year and until their successors are elected and qualified; and they shall receive a compensation for their services which shall not exceed ten cents per day for each day's actual service, except the Clerk, who shall receive such compensation as the Board may prescribe, not exceeding two hundred dollars per annum. Their sittings shall be public, and they shall keep a journal of their proceedings, and the yeas and nays on any question shall be taken and entered on said journal at the request of any member. Said Board shall elect from their own number a suitable person as President, also, one of said number who shall act as Clerk.

SEC. 4. The Board of Trustees shall have power—  
 First. To make by-laws and ordinances not in conflict with the Constitution of the United States or of this State; to prevent and remove nuisances; to provide for licensing and regulating theatrical and other amusements, shows or exhibitions, and billiard tables, in the town; to provide for licensing any or all business not prohibited by law, and to apportion such licenses according to the capital invested.

Second. To open, construct, grade and repair streets, alleys, lanes, public places and sidewalks, and to construct and repair wharfs, bridges, fences and public places, and to authorize the same to be done; to regulate the rates of wharfage and tolls.

Third. To have obstructions removed from streets, alleys, lanes, public places or sidewalks, at the expense of the owners of lots or lands adjacent thereto.

Fourth. To improve, appropriate, sell, lease or otherwise dispose of the corporate property; *provided*, that all sales, leases, franchises or privileges, shall be made by public auction, after ten days' notice posted in three of the most public places within said town, and publication thereof made in a newspaper in said town, if any shall be published there; and all deeds, leases or grants made by said town shall be signed by the President and Clerk of the Board of Trustees.

Fifth. To prohibit and suppress gambling-houses, rooms or tables, dram-shops or houses of ill-fame, and all occupation, places, houses and exhibitions which are against good morals and contrary to public order and decency.

Sixth. To organize and support common schools and academies, and to provide for the preventing and extinguishing of fires.

Seventh. To impose and appropriate fines, penalties and forfeitures for the violation of ordinances; *provided*, that no fine be imposed of over five hundred dollars, or offender imprisoned more than three months.

Eighth. To authorize the assessment and levy of taxes on real and personal property within said town, not exceeding one-half of one per centum per annum on the assessed value thereof; and the amount of taxes so collected shall be appropriated in defraying the

ordinary expenses of said town, including the erection and repair of wharves and the support of free schools; but said Trustees shall not, in any manner, loan the credit of said town, neither shall they borrow money or contract any indebtedness which, singly or in the aggregate, together with any previous indebtedness or liability of said town, shall exceed the sum of three thousand dollars, neither shall they authorize the payment of interest exceeding three per cent. per month.

Limitation.

Interest.

SEC. 5. Any Justice of the Peace within said town or township, in which the same is situated, shall have jurisdiction—

Justices of the Peace.

First. On action or proceeding for fine, penalty or forfeiture by breach of any ordinance of the Board of Trustees. And,

Second. For proceedings respecting vagrants or disorderly persons.

SEC. 6. All proceedings and actions, under this Act, before Justices' Courts, as herein provided, shall be commenced by complaint, setting forth the violation of the ordinance, or the act of vagrancy or disorderly conduct complained of, or the offense charged, with such particulars as to time and place, person or property as to enable the defendant to understand distinctly the nature of the offense charged and to answer the complaint. All such complaints shall be verified by oath of the parties making them to the complaint; the answer may be oral or in writing, and immediately thereafter the case shall be tried, unless for good cause shown an adjournment be granted; in all cases, the defendant shall be entitled to a trial by jury of six persons.

Proceedings.

Complaint.

Answer.

Trial by jury.

SEC. 7. Any Constable within said town or township, is authorized to serve any process under any proceeding so instituted, and shall receive such fees as are provided by law for similar services in civil and criminal cases.

Fees of Constables.

SEC. 8. Said Board shall have power to provide for the election of an Assessor to assess property and collect taxes in such manner as said Board may determine.

Assessor.

SEC. 9. No member of the Board of Trustees shall be directly or indirectly interested in any contract entered into by said town authorities, or any work or business ordered to be executed by such Board.

Restriction.

SEC. 10. The election and returns of such Trustees shall be regulated in the same manner as prescribed by "An Act to Provide for the Incorporation of Towns," passed May twenty-seventh, one thousand eight hundred and fifty.

Election of Trustees.