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COMMITTEE ROOM,
January 4, 1869.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a declaration introduced by Mr. Buffington, to create the new county of Peebles, have had the same under consideration, and a majority of the committee have instructed me to report the declaration back to the Convention with two slight alterations in the wording thereof, which do not materially change the meaning, and to recommend that it be adopted in the shape in which it is so reported back.

Respectfully submitted,

H. C. PEDIGO,
Chairman Committee.

Mr. Buffington moved to suspend the rules to take up the declaration.

The Convention refused to suspend the rules.

Mr. Evans, of McLennan, offered a declaration incorporating the Austin Bridge Company, and asked its reference to the Committee on Internal Improvements without reading.

It was so ordered.

Mr. Smith, of Galveston, introduced the following declaration re-incorporating the city of Galveston, and asked its reference to the Committee on Counties and County Boundaries:

A DECLARATION

Re-incorporating the City of Galveston.

CHARTER.

WHEREAS, There is now no fixed charter for the city of Galveston by which its municipal government is directed, but that parts of two or three pre-existing charters are invoked as the organic laws; therefore be it declared:

TITLE I.

GENERAL POWERS AND BOUNDARIES.

SECTION 1. That all the inhabitants of the city of Galveston shall continue to be a body politic and corporate, with perpetual success—
2D SESS.—12

sion, by the name and style of "The City of Galveston;" and as such, they and their successors, by that name, shall have, exercise and enjoy, all the rights, immunities, powers, privileges and franchises, now possessed and enjoyed by said city, and herein granted and conferred, and shall be subject to all the duties and obligations now appertaining to or incumbent on said city as a corporation, and may ordain and establish such acts, laws, regulations and ordinances not inconsistent with the constitution or laws of this State, and the constitution of the United States, as shall be needful for the government, interest, welfare and good order of said body politic, and under the same shall be known in law, and be capable of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatever. May take, hold and purchase, lease, grant and convey, such real and personal, or mixed property or estate, as the purposes of the corporation may require within or without the limits thereof, and may make, have and use a corporate seal, and change and renew the same at pleasure.

SEC. 2. That the limits of said city shall, for the present, be all that portion of territory lying between Seventh street on the east, and Forty-third street on the west, as known by Sandusky's map or plan of said city, and on the south its boundary shall extend half a mile into the waters of the Gulf of Mexico, between the streets aforesaid, and on the north, between said streets, shall extend over and embrace the waters of Galveston Bay, and include Pelican Island, and one mile north of said island, so as to extend the authority and jurisdiction, inclusive of said Pelican Island, over all of the area and territory aforesaid; provided, nevertheless, that all the provisions of this declaration, and of all ordinances passed in pursuance thereof, applying or relating to the harbor or channel north of said city, and within its limits, shall extend and be in full force and effect over all that portion of Galveston Bay between the Island of Galveston and a line drawn across said bay, east and west, at the distance of a mile north of the Island of Pelican aforesaid, until the same shall intersect the lines drawn north from the Seventh and Forty-third streets aforesaid; and provided, further, that nothing herein contained shall extend the chartered limits of Galveston over any part of the channel known as Bolivar Channel, beyond the middle line of the same, or give to the city of Galveston any rights of property in, over, or to any portion of Bolivar Channel, or any jurisdiction whatever over the same, beyond said middle line, or to control the ingress, egress, or remaining of any vessel whatever, through or in the waters of Bolivar Channel, except so far as may be necessary to enforce quarantine regulations,

which may be necessary to secure the health of the city of Galveston against the introduction or spreading of infectious or contagious diseases. Nor shall the city of Galveston have any authority whatever to control the sailing of any vessel through Bolivar Channel, or to control the anchorage of any vessel in said channel, nor to impose any tax or burden on any vessel using said Bolivar Channel; provided, that when Bolivar Peninsula shall have a population of three hundred inhabitants, and become incorporated as a town or city, then the boundary of the city of Galveston on the east, and such town or city on said peninsula on the west, shall be midway of Bolivar Channel; and provided, furthermore, that all writs and process issued by the Recorder, in case of a violation of any penal law of the State, or any breach or violation of any ordinance of the city may be obeyed, served and executed by the Marshal, or any of his deputies, and either of said officers shall arrest any person charged with any offense as aforesaid, anywhere on the Island of Galveston, or within the limits above defined; and provided, furthermore, that all the municipal regulations of said city shall apply to, extend and be in full force over the harbor and anchorage of Galveston, and to the bar, at the entrance of said harbor; and the corporate authority and jurisdiction, except to impose taxes, shall extend from the eastern boundary of said city over the east end of Galveston Island; and provided, further, that the said limits may be hereafter extended, including and adding more territory to the same, whensoever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city.

TITLE II.

OFFICERS AND THEIR ELECTION.

SEC. 3. The municipal government of the city shall consist of a city council, composed of a mayor and three aldermen from each ward, a majority of whom shall constitute a quorum for the transaction of business, unless herein otherwise specified. The other officers of the corporation shall be a recorder; treasurer, an assessor and collector, a clerk, a marshal, and a superintendent of streets, and such other officers and agents as the city council may, from time to time, direct. The above named officers (except the mayor and aldermen), shall be appointed by the mayor at the first annual meeting, or as soon thereafter as possible, and shall hold their offices for one year, and until the qualification of their successors.

SEC. 4. An election shall be held in each of the wards of said city

on the first Monday of April in each year, at such place as the city council may appoint, and of which ten days' previous notice shall be given by publication in one or more newspapers of said city; said election shall be ordered by the city council or mayor. For the purpose of holding said election, and others ordered, the city council shall appoint annually in April, or earlier, in each ward, some competent and suitable person, who shall be the presiding officer at all elections held in his ward. The presiding officer of each ward shall select two judges and two clerks, who, together with the presiding officer, shall be managers of elections. The presiding officers and judges must be qualified voters in their ward. The city council shall provide for their compensation, and by ordinance, regulate and define their powers and duties, and determine the hour of opening and closing the polls. The mayor, whenever an election is ordered, shall give the required notice, and issue to the presiding officer a writ of election; and every published notice of election shall state the officer or officers to be elected, the place where the election will be held, and the name of the officer presiding thereat. In case the officer so appointed is unable, fails, refuses or neglects to act, the mayor shall make another appointment; and in case no appointed presiding officer appears to open the polls, the qualified electors present may appoint such officer, who shall perform the same duties and shall have like power and authority to act as the first appointee; but in such case the managers, in their returns, or otherwise, shall certify that the presiding officer failed to attend, or neglected to act, and that the person acting as such was duly chosen by the electors present.

SEC. 5. At the annual election there shall be elected by the qualified voters of said city, voting by ballot, in their respective wards, a mayor, who shall hold his office for three years, from the date of his election, and until his successor shall be elected and qualified. At the first election held under this charter, there shall be elected by the same voters, voting in their respective wards, three aldermen from each ward of the city. At the first meeting of the said board of aldermen so elected, it shall proceed to divide, by lot, the three members from each ward into three classes, and those of the first class shall hold their offices for one year; those of the second class for two years, and those of the third class for three years, and until their respective successors are duly elected and qualified; so that thereafter there shall be elected at each annual election of mayor one alderman from each ward, who shall hold their offices for three years, and until their successors are elected and qualified. The person having the highest number of votes in the whole city for mayor shall be declared elected, and the person receiving the highest number of

votes cast in the wards respectively for aldermen shall be declared elected. If any alderman remove from the ward represented by him, his office shall thereby become vacant. In case the person elected mayor shall refuse to accept the office, the city council, mayor, or acting mayor, shall order another election; and in case of vacancy in the office of mayor by death, resignation, removal or otherwise, it shall be filled for the remainder of the term by a new election, to be ordered by the acting mayor or city council; and in case of a vacancy in the board of aldermen by a refusal to accept, or to qualify, or by death, resignation, removal or otherwise, the mayor, or acting mayor, or city council, shall order a new election in the ward or wards in which any such vacancy may occur, to fill the residue of the unexpired term; and all special elections shall be conducted in the same manner as is herein provided for the annual election; provided, that in special elections five days' notice thereof shall be deemed sufficient. Where two or three aldermen are to be elected in a ward, at any election, the candidate receiving the highest number of votes shall be declared elected for the longest term. The candidate receiving the next highest number of votes shall be declared elected for the next longest term; and the candidate receiving the next highest number of votes shall be declared elected for the shortest term.

SEC. 6. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping of the poll lists, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law, as at general State elections; provided, the city council shall have full power and authority to regulate elections, and to pass all ordinances in relation thereto, which they may deem proper and necessary, and to prescribe what action shall be had in the event of there being no annual election, or a failure to elect the officers, or any of them, for which any election was ordered. The voting shall be by ballot, and the presiding officer and managers shall take the same oath and shall have the same power and authority as managers of general State elections. After closing the polls, the ballots shall be counted in the manner required by law, and the returns, including the ballots, shall be returned, sealed, to the city clerk, within three days after the election; and within five days from any election, the city council shall meet and canvass the same, and declare the result of the election. It shall be the duty of the city clerk to notify all persons elected or appointed to office, of their election or appointment; and unless such persons shall respectively qualify within five days thereafter, the offices shall become vacant. The city council elect shall meet at the usual

place of meeting at 4 o'clock, p. m., on the second Wednesday after the first Monday of March, or as soon thereafter as possible, and be installed under the provisions of this act.

SEC. 7. That every person, not disqualified by law, who shall have attained the age of twenty-one years, and be entitled to vote for members of the Legislature of this State, and shall have resided within the limits of the said city for twelve months next preceding the election, and who shall have been an actual resident of the ward in which he votes, for ten days, shall be entitled to vote for Mayor and Aldermen of the said city; provided, nevertheless, that no person shall vote who has not been duly registered according to law.

SEC. 8. The managers of elections shall be sworn to well and truly conduct the election without partiality or prejudice, and agreeably to law, according to the best of their skill and understanding, which oath shall be administered by the Mayor or Recorder of the city, or any justice of the peace. The presiding officer and judges thus qualified, shall have power to administer all oaths necessary in the performance of their official duties. When any person offering to vote shall be objected to by any one qualified to vote at such election, the managers shall examine him upon oath, touching the points objected to, and if he fail establishing his qualification to their satisfaction, his vote shall be rejected; provided, the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

SEC. 9. Whenever it so happens in any election that there is a tie between two or more candidates for the same office, all of whom cannot be elected, the city council or Mayor shall declare such election void, as between such candidates only, and immediately order a new election for that office, first giving not less than, five days' notice thereof.

SEC. 10. In the event of a failure to meet on the part of the city council to examine the election returns, and declare the result, the Mayor shall discharge that duty; and in case of failure or omission on the part of both the city council or Mayor to perform said duty, the managers shall make out duplicate returns of the said election, and having certified, sealed and enveloped the same, as before, shall transmit them to the Chief Justice of the county, who shall forthwith proceed to determine the election, and deliver certificates of the same, under his hand and official seal, to the persons elected, in the same manner as the city council or Mayor should have done.

SEC. 11. No person shall be eligible to the office of Mayor, Recorder, or alderman of said city, unless, in addition to his being qualified to be a voter therein, he own real estate within the limits of

said city to the value of three thousand dollars, (including the improvements,) free from incumbrance.

SEC. 12. A City Attorney shall be appointed by the Mayor, whose duty and salary shall be prescribed by ordinance.

TITLE III.

POWERS AND DUTIES OF OFFICERS.

SEC. 13. Every person elected by the voters of said city to fill any office, or by the city council, under this declaration, shall, before he enters on the duties of his office, take and subscribe the official oath prescribed in the Constitution of this State, and the Constitution of the United States; and the city council may, by ordinance, require such additional oath to secure faithfulness in the performance of duties by such officers as they may deem proper.

SEC. 14. The Mayor of the city shall be taken and deemed to be ex-officio Chief of Police within said city, and as such he shall maintain peace and good order, and for that purpose shall have the same authority to call out the power of the county and the military, as is given or may be given by law to sheriffs of counties. He shall be the chief executive officer of said corporation, and shall be vigilant and active at all times in causing the laws and ordinances for the government of said city to be duly executed and put in force: to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power to cause all negligence, carelessness and positive violations of duty, to be duly prosecuted and punished. He shall have power, whenever in his judgment the good of the city may require it, to summon meetings of the city council, and he shall from time to time communicate to that body all such information, and recommend all such measures as may tend to the improvement of the finances. the police, health, security, cleanliness, comfort, ornament, and good government of said city.

SEC. 15. That whenever the Mayor shall deem it necessary, in order to enforce the laws of the city, or to avert danger, or protect life or property in case of riot, or any outbreak or calamity, or public disturbance, or when he has reason to fear any serious violation of law or order, or any other danger to said city, or the inhabitants thereof, he shall summon into service, as a special police force, all, or as many of the citizens as in his judgment and discretion may be necessary and proper. and such summons may be by proclamation, or order addressed to the citizens generally, or those of any ward of

the city, or subdivision thereof, or such summons may be by personal notification. Such special police, while in service, shall be subject to the orders of the Mayor; shall perform such duties as he may require, and shall have the same power while on duty as the regular police of said city; and any person so summoned, and failing to obey, or appearing, and failing to perform any duty that may be required by this act, shall be fined in a sum not exceeding one hundred dollars.

SEC. 16. The Mayor shall preside over the meetings of the city council, but shall have no vote, unless there be a tie, in which case he shall give the casting vote. He shall have like power with a justice of the peace, to administer oaths of office, and also all other oaths and affirmations, and to give certificates thereof. He shall possess and execute, in the city, in criminal cases, all the powers and duties of a justice of the peace. He shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods, and shall receive such fees as may be allowed by law. He shall have power to dismiss and discharge any member of the police, (except the City Marshal,) and to remove or suspend any officer holding an office created by any ordinance of the city, until the cause of such removal or suspension can be acted upon by the city council, and may fill, by appointment, any vacancy so occasioned. He shall have authority, in case of a riot, or any unlawful assembly, or to preserve peace and good order in said city, to order and enforce the closing of any theatre, ball-room, grog-shop, tippling-house, bar-room, or other place of resort or public room, or building, and may order the arrest of any person in his presence violating the laws of the State, or any ordinance of the city, and he shall perform such other duties, and possess and exercise such other power and authority, as may be prescribed and conferred by the city council.

SEC. 17. In case of a vacancy in the office of Mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence; or sickness, the city council shall appoint, by ballot, by a majority of all the members present, one of their number, to preside over their meetings, whose official designation shall be acting mayor, and the alderman so appointed, shall be vested with all the powers and perform all the duties of mayor of the city, until the mayor shall resume the duties of his office, or the vacancy be filled by a new election.

SEC. 18. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk; and if the mayor approve thereof, he shall sign the same, and such as he shall not sign, he shall return to the city council, with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the

vote by which the same was passed shall be reconsidered; and if, after such reconsideration, two-thirds of all the aldermen elected agree to pass the same, it shall be in force; and if the mayor shall neglect to approve, or object to any such proceedings, for a longer period than three days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect.

SEC. 19. That the recorder of said city shall be the chief judicial magistrate thereof, and as such shall hold a court within said city, by the name of the recorder's court of the city of Galveston, which said court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other causes arising under the laws of said city, and shall be deemed always open for the trial of said cases. The said court shall have full power, authority and jurisdiction, in all cases arising under the ordinances of said corporation, and for any breaches and violations thereof, and of any and all persons thus offending, and to try and determine all suits, actions and complaints, charging a violation of any ordinance of said city, and may grant new trials, on motion in writing showing sufficient cause and duly sworn to. The recorder may require of any person arrested under the provisions of this declaration, a bond for his or her good behavior, and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of Galveston. He shall have full power and authority to issue subpoenas for witnesses, and to compel their attendance by process of attachment. He may punish all contempts by fine and imprisonment, or either; may issue subpoenas (writs of) *capias*, warrants of arrest, search warrants, executions, and all other process known to the law which a justice of the peace of this State may lawfully issue, and all of said writs and process shall be issued, served and executed, under the same forms and in the same manner as the like process would be when issued by a justice of the peace, unless herein otherwise provided. He shall also have full power and authority to administer official oaths, and all other oaths or affirmations, and give certificates thereof. The recorder shall be *ex officio* justice of the peace and he shall possess and execute, in the city, in criminal cases, all the powers and duties of such officer, and shall have the same authority and like powers with justices of the peace in the prevention and suppression of crime; provided, that in no case shall he entertain jurisdiction in civil suits. The said recorder shall hold his office for one year, and until his successor is qualified. The city council may determine what costs shall be charged in proceedings in and for all process issued in said court, and shall allow the judge thereof for his services a salary, payable at stated periods; and the recorder shall perform such other duties

as may be prescribed by any ordinance of said corporation that may properly and lawfully be required of said officer as the judge of said court, and not inconsistent with the laws and constitution of this State.

SEC. 20. The city marshal shall, either in person or by deputy, attend upon the recorder's court while said court is in session, and shall promptly and faithfully execute all writs and process issued from said court. He shall also attend all general and special meetings of the city council. He shall be the chief police officer of the city under the mayor. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the community, and he shall have authority to take suitable and sufficient bail for the appearance before the recorder's court of any person charged with an offence against the ordinances or laws of the city. It shall be his duty to arrest all violators of the public peace, and all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbances whatsoever. To prevent a breach of the peace, or to preserve quiet and good order, he shall have authority to close any theatre, bar room, ball room, drinking house, or any other place or building of public resort; and in the prevention and suppression of crime, and arrest of offenders, he shall have, possess and execute like power, authority and jurisdiction as the sheriff of a county, under the laws of the State. He may appoint one or more deputies, who shall have the same powers and perform the same duties as the marshal. He shall receive a salary, to be fixed by the city council, and shall receive the same fees as the sheriff of the county does by law for like services. The city marshal shall give such bond for the faithful performance of his duties as the city council may require, and he shall perform such other duties and possess such other powers, rights and authority as the city council may by ordinance require and confer, not inconsistent with the Constitution and laws of this State.

SEC. 21. The powers and duties of the street commissioner, and the salary for his services, shall be prescribed by resolution or ordinance of the city council.

SEC. 22. That it shall be the duty of the city clerk to attend every meeting of the city council, and keep accurate minutes of the proceedings thereof in a book to be provided for the purpose, engross and enroll all laws, resolutions and ordinances of the said city council; to keep the corporate seal; to take charge of, preserve and keep

in order all the books, records, papers, documents and files of said city council; to countersign all commissions issued to the city officers and licenses issued by the mayor, and to keep a record or register thereof, and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer and countersign the same, and keep an accurate account thereof in a book to be provided for the purpose. He shall also be clerk of the recorder's court, and shall have custody of all books and papers belonging to said court. He shall make out all process and writs, and enter upon a docket all complaints for violations or infractions of city ordinances before the recorder, and his judgment or sentence therein. He shall have power and authority to administer all oaths and affirmations, and as clerk (of) said court shall be entitled to such fees as are allowed the clerk of the district court for like services. The city clerk shall be the general accountant of the corporation, and shall keep in books regular accounts of all receipts and disbursements for the city, and separately, under proper heads, each cause of receipt and disbursement, and also accounts with each person, including officers who have money transactions with the city, crediting amounts allowed by proper authority, and charging each with all warrants drawn in his favor, and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city, and of all evidence of debt due and payable to it, noting the particulars thereof, and of all facts connected therewith as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by any law, ordinance, resolution or order of the city council. He shall receive for his services an annual salary, payable at stated periods, and such additional fees as may be allowed by the city council.

SEC. 23. The treasurer for said city shall give bond in favor of the city of Galveston in such amount as may be required by the city council, and with sufficient securities, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same upon the order of the mayor, attested by the clerk and the seal of said corporation. He shall keep regular and correct accounts of their real, personal and mixed property, and shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting in every quarter, and whensoever at other times he may be required by them so to do; and at the end of every half year shall cause to be published, at the expense of the city, a statement showing the amount of receipts and expenditures for the six months next preceding, and the general condition of the treasury,

and shall do and perform such other acts and duties as the city council may require, and for his services shall receive such compensation as shall be fixed by the city council.

SEC. 24. That the assessor and collector of the city shall make up the assessments of all the property taxed by the city, and collect the taxes of every kind, except the license tax, as the same shall become due and payable; and in the event of non-payment of any taxes, shall proceed to sell property to raise the amount of taxes so due; and shall, in the performance of his duties, observe the provisions of this act and the ordinances of the city relating thereto, and the assessment and collection of taxes. He shall give bond in such amount as the city council may provide, with good and sufficient sureties, and the city council may require a new bond whenever, in their opinion, the existing bond is insufficient; and whenever such new bond is required, he shall perform no official act until said bond shall be given and approved. He shall, at the expiration of every month, pay to the treasurer all moneys by him collected, and shall report to the city council, at the first meeting of that body in every quarter, all moneys so collected and paid; and he shall perform all such other duties, and in such manner, and according to such rules and regulations as the city council may prescribe. He shall receive such fees and commissions for his services as may be allowed by this declaration and the ordinances of the city council.

SEC. 25 The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and to define and prescribe the powers and duties of all officers appointed or elected to any office under this act whose duties are not herein specifically mentioned, and fix their compensation. They may also require bonds to be given to the said corporation by all officers for the faithful performance of their duties. The city council shall provide for filling vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired term.

TITLE IV.

OF THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

SEC. 26. The mayor and aldermen shall constitute the city council of said city. The city council shall meet at such times and places as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the city council, and shall have, in

all cases, a casting vote, except in elections. In his absence, any one of the aldermen may be appointed to preside.

SEC. 27. The city council shall hold stated meetings, and the mayor, of his own motion, or on the application of three aldermen, may call special meetings by notice to each of the members of said council, served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the council in writing only, and the council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members, and punish them for disorderly conduct, and with the concurrence of two-thirds of the members elected may expel a member.

SEC. 28. The city council shall have the management and control of the finances and all other property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance.

1. To remove and prevent all obstructions in the bay and channel thereof within said city and the limits heretofore mentioned, and to improve and preserve the navigation thereof, and to erect, repair and regulate wharves, and to regulate the rates of wharfage; provided, the provisions of this clause relating to wharves shall apply only to property owned or controlled by the city.

2. To borrow money on the credit of the city, and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law. All bonds shall specify for what purpose they were issued, and shall not be invalid if sold for less than their par value.

3. To appropriate money, and to provide for the payment of the debts and expenses of the city.

4. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within ten miles thereof.

5. To collect harbor dues from all steamships, ships, vessels and other craft arriving within the harbor of Galveston from any port or place without the limits of this State, regulating the amount of said dues by the tonnage of said vessel, or otherwise, as they may determine.

6. To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs in the streets or elsewhere within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

7. To have the exclusive control and power over the streets,

alleys and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, extend, establish, regulate, grade, re-grade, clean or otherwise improve the same, to put drains and sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from any encroachment or injury; provided, that when the owners of all the lots in a block shall so desire and agree to the same in writing, they shall have the right and power to close the alley belonging to such block against public use, but shall gain only the exclusive right of user, and no right of property to such alley; and the same may be opened to public use whenever any lot owner in a block not bound by any previous unexpired agreement, shall so desire; and when the entire block is owned by a single individual or corporation, such individual or corporation may close the alley and keep the same closed so long as he or they may be the owner of the entire block.

8. To establish, erect, construct, regulate, and keep in repair bridges, culverts and sewers, sidewalks and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or encroachments thereon.

9. To provide for lighting the streets and erecting lamp-posts and lamps therein, and regulate the lighting thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys, sidewalks and elsewhere.

10. To establish and erect markets and market houses, designate, control and regulate market places and privileges, prohibit and punish the opening or establishment of private markets, and inspect and determine the mode of inspection of meat, fish, vegetables and all produce, and every article and thing therein brought for sale, and to require the hides and skins of all animals slaughtered for sale thereat, to be brought to said market or market place, or such other place as to be directed by the mayor or city council, that the marks and brands thereof may be examined by the city marshal or other officer appointed for that purpose.

11. To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets, sidewalks or public grounds.

12. To erect and establish one or more hospitals, and control and regulate the same, regulate or prohibit and punish the establishment of private hospitals.

13. To regulate the carrying of weapons, and prevent the carrying of the same concealed.

14. To prevent the encumbering of the streets, alleys, sidewalks and public grounds with carriages, wagons, carts, hacks, buggies or any vehicle whatever, boxes, lumber, timber, fire wood, posts, awnings, signs or any other substance or material whatever, or in any other manner whatever; to compel all persons to keep all weeds, filth, and any kind of rubbish from the sidewalks and streets, gutters in front of the premises occupied by them, to require and compel the owners of property to fill up, grade, shell and otherwise improve the sidewalks in front of and adjoining their property.

15. To license, tax and regulate merchants, commission merchants, hotel and inn keepers, drinking houses or saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold, brokers, money brokers, real estate agents, insurance brokers, insurance agents and auctioneers. To license, tax and regulate, suppress and prohibit hawkers, peddlers, pawnbrokers and keepers of theatrical or other exhibitions, shows and amusements.

16. To license, tax, regulate or prohibit theatres, circuses, the exhibitions of common showmen, and of shows of every kind, and the exhibition of natural or artificial curiosities, caravans, menageries and musical exhibitions and performances.

17. To license, tax and regulate hackmen, draymen, omnibus drivers and drivers of baggage wagons, porters and all others pursuing like occupations with or without vehicles, and prescribe their compensation, and provide for their protection, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to regulate, license and restrain runners for steamboats, railroads, stages and public houses.

18. To license, tax and regulate billiard tables, pin alleys, ball alleys, to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, houses of prostitution or assignation, gambling and gambling houses, lotteries and all fraudulent devices and practices.

19. To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be issued for a longer period than one year, and shall not be assignable except by permission of the city council, and no more than one hundred dollars shall be charged for any license under this act, except circuses, menageries and public showmen, in which cases the amount of license shall be established by the city council.

20. To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city except by persons duly licensed; to forbid and punish the selling or

giving away of any intoxicating or malt liquors to any minor, apprentice, servant or habitual drunkard.

21. To prevent, restrain and punish engrossing, forestalling, and regrating. To regulate the inspection and vending of fresh meats, poultry, fish, vegetables, butter, lard and other provisions; and the place and manner of selling fish and inspecting the same.

22. To make such rules and regulations in relation to butchers as they may deem necessary and proper.

23. To establish standard weights and measures to be used within the city in all cases not otherwise provided for by law. To require all traders and dealers in merchandise or property of any description, which is sold by weight or measure, to cause their measures and weights to be tested and sealed by the city sealer, and be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law.

24. To regulate and provide for the inspection and measuring of lumber, shingles, timber, posts, and all kinds of building materials; and for measuring all kinds of mechanical work, and to appoint one or more inspectors or measurers thereof. Exclusively to provide for the inspection and weighing of hay, lime, stone coal, and the manner and places of selling the same. To regulate the measurement of firewood, charcoal, and other fuel to be used or sold within the city, and the place and manner of selling the same.

25. To regulate the inspection of beef, pork, flour, meal, salt, and other provisions; whiskey and other liquors to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees.

26. To regulate the weight and quality of bread to be sold or used within the city.

27. To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers, giving to the Mayor the right of nomination of said watchmen and policemen.

28. To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.

29. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

30. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

31. To establish and regulate public pounds, and to regulate the running at large of horses, mules, cattle and sheep; to regulate, restrain and prohibit the running at large of swine, goats and geese, and to authorize the distraining, impounding and sale of the same for costs of the proceeding and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto.

32. To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large, contrary to ordinance, and to impose penalties on the owners or keepers thereof.

33. To prohibit and restrain the rolling of hoops, flying of kites, firing of fire-crackers, or use of any pyrotechnic, or any other amusement or practices tending to annoy persons passing in the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, practices and performances tending to the collecting of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

34. To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient.

35. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

36. To compel the owner or occupant of any grocery, soap, tallow or chandler establishment, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewer, privy, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

37. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables, and any manufacturing establishment; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within the city, slaughtering establishments and hide houses, or establishments for keeping or curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

38. To regulate the burial of the dead; to purchase, establish and regulate one or more cemeteries; to regulate the registration of

births and deaths; to direct the returning and keeping of bills of mortality, and impose penalties on physicians, sextons and others for any default in the premises.

39. To regulate and determine the times and places of bathing and swimming in the waters within said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

40. To abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be nuisances, and authorize and direct the summary abatement thereof.

41. To erect and establish one or more work-houses or houses of correction, make all necessary rules and regulations therefor, and appoint all necessary keepers or assistants. In such work-house or house of correction, may be confined all vagrants, stragglers, idle, suspicious and disorderly persons, who may be committed thereto by the mayor or recorder; and any person who shall fail or neglect to pay the fine, penalty or costs imposed for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to jail, be kept therein, subject to labor and confinement.

42. To compel and force all offenders against any ordinance of the city, found guilty by the recorder, and sentenced to fine and imprisonment, to labor on the streets and alleys of said city, or on any public work, under such regulations as may by ordinance be established.

43. To prevent all boxing matches, sparring exhibitions, cock and dog fighting, and punish all persons thus offending.

44. To prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, fighting, quarrelling, using abusive and insulting language, misdemeanors, and all disorderly conduct, and punish all persons thus offending.

45. To prevent and punish the keeping of houses of prostitution within the city, or within such limits therein as may by ordinance be defined, and to adopt summary measures for the removal or suppression of all such establishments.

46. To require the owner, agent, or occupant of any ground, lots, yards, private drains, sinks and privies, to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, as may be ordered by the mayor, or any resolution or ordinance of said city; and in the event of any failure, neglect or refusal to comply with any such order, the party so failing shall be liable to fine and imprisonment. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvement made on account of the owner thereof, and all costs, charges and expenses shall be a lien on the property, on

the filing of a memorandum thereof by the mayor, under the seal of the corporation, and recording the same with the clerk of the county court, and the city may enforce said lien, and institute suit in the corporate name, and obtain judgment against said party for the amount so due as aforesaid, in any court having jurisdiction.

47. To direct and control the laying and construction of railroad tracks, turn-outs and switches, or prohibit the same in the streets, avenues and alleys, and the location of depot grounds within the city, to require that railroad tracks, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets, avenues and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams, carriages and other vehicles and persons. To require railroad companies to keep in repair the streets, avenues or alleys through which their track may run, and if ordered by the city council to light the same and to construct and keep in repair suitable crossings at the intersection of streets, avenues and alleys and ditches, sewers and culverts, when the city council shall deem necessary. To direct the use and regulate the speed of locomotive engines within said city, or prevent and prohibit the use or running of the same within the city.

48. Exclusively to prevent, control and regulate everything connected with city railroads, and to make such rules and regulations for the same as the city council may deem necessary.

49. To preserve the harbor, dredge out, widen and deepen the channel of said harbor, and prevent any use of the same, or any act in relation thereto inconsistent with the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same, to prevent and punish the casting, throwing or depositing therein any earth, stone, shell or other substance, filth, logs or floating matter, to prevent and remove all obstructions therein, and to punish the authors thereof; to prevent, prohibit and punish the erection of wharves in the channel, or their extension therein, to regulate and prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the wharves by steamboats and other crafts and vessels, and the disposition of the sails, yards, anchors and appurtenances thereof while entering leaving or abiding in the harbor, and to regulate and prescribe by such ordinances such a location of every steamboat, steamship, or other craft, ship, vessel, barge, boat or float, and such changes of station and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience as near as may be, of all such steamboats, steamships, other craft, ship, vessel, barge, boat

or float, and may impose penalties and imprisonment for any offense against such ordinance, and may appoint one or more harbor masters to carry out the powers herein granted, and to report to the recorder any violations of such ordinances.

50. To license and regulate ferries.

51. To prevent any person from bringing, depositing or having within the limits of said city, any dead carcass or any other offensive or unwholesome substance or matter, and to require the removal or destruction by any person who shall have placed or caused to be placed upon or near his premises, or elsewhere, any such substances or matter, filth or any putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city, and to require the owner of any dead animal to remove the same to such place as may be designated.

52. To prevent, regulate and control the driving of cattle, horses and all other animals into or through the city.

53. The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the Constitution of this State, for the good government, peace and order of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the city prison, work-house or house of correction, or both, in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed two hundred dollars, nor the imprisonment more than three months for any offense unless a larger fine and longer period of imprisonment is herein allowed, and for any fine, penalty and costs imposed by the Recorder in the trial of any cause or complaint before him, execution may issue to collect such fine and costs, to be levied and executed in the same manner that executions are from the District Court. The same shall be issued by the city clerk under the corporate seal to the city marshal, who in levying on property and selling shall have like power and authority as the sheriff of the county in executions issued from the District Court. And the laws of the State so far as applicable shall apply to and be in full force and effect as to executions issued from the Recorder's court, and the city marshal in executing the same; any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs, and in default thereof may be imprisoned in the city prison or work-house, or house of correction, or be required

to labor on the streets or other public work of the city for such time and in such manner as may be provided by ordinance; provided, such imprisonment shall not exceed three months, unless a longer period is herein allowed.

TITLE V.

OF TAXATION.

SEC. 29. The city council shall have power within the city by ordinance to annually levy and collect taxes not exceeding two per cent. on the assessed value of all real and personal estate and property in the city, made taxable by the laws of the State; provided, that the city council shall have authority to levy a special tax for public improvements.

SEC. 30. To annually levy and collect a poll tax (not to exceed one dollar) of every male inhabitant of said city who has resided therein six months previous to the assessment of said tax.

SEC. 31. To annually assess, levy and collect an income tax of one per cent. except in such amount as may be by this act or some ordinance of the city exempt.

SEC. 32. That the city council shall have power to levy and collect taxes commonly known as licenses upon trades, professions, callings and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons and other vehicles used in said city, and whether the same are for public or private use. That each and every person and firm engaged in the following trades, professions, callings and business among others shall be liable to pay such license tax, but this enumeration shall not be construed to deprive the city council of the right and power to levy and collect other license taxes and from other persons and firms under the general authority herein granted.

Every merchant in said city and every person and firm engaged in selling goods, wares or merchandise; every person and firm selling liquors in quantities over a quart; every person or firm keeping a grog shop, tippling house, bar-room or drinking saloon; every person or firm keeping a place where spirituous liquors, wines, cordials or beer is sold in quantities less than one quart; every person or firm keeping a billiard table, ball alley or nine or ten pin alley or any similar game; every person or firm keeping a tavern, hotel or boarding house; every person or firm keeping a restaurant, eating-house, oyster shop, oyster saloon, or place of any description where eatables or refreshments are furnished; every person or firm keep-

ing a livery stable or stables; every person or firm selling goods, wares or merchandise at public auction; every person or firm pursuing the occupation of a real estate broker or agent, merchandize or cotton broker, commission merchant or any commission business; every person or firm pursuing the occupation of hawker or peddler of goods or any articles whatever; every person or firm keeping a brewery, beer shop or distillery; every person or firm keeping any storage warehouse, or engaged in compressing or repressing cotton, or keeping an intelligence office; each and every insurance company shall also be liable to pay said city such license tax, and each and every insurance agent, each insurance company, not chartered in this State, but doing business, and having an agent in said city, shall likewise be subject to said license tax, and such agent shall be held responsible therefor, and for each association, corporation or company for which he is an agent. That each and every person or firm selling goods, wares or merchandize within said city by the sample card, or other specimen, or by a written, printed or trade list or catalogue shall also be subject to and pay said license tax; provided, this last provision shall not apply to merchants doing business within said city, and duly licensed; that each and every person or firm keeping a lumber, wood or coal yard, or any place for the sale of the articles aforesaid, or building materials, shall be subject to said license tax, and all other persons from whom the city council may require said tax under the authority in this act granted; provided, nothing herein contained, shall in any wise prevent or restrain the city council from collecting the license, and any license tax hereinbefore provided for by this act. Each establishment shall be liable to said license tax; and any person or firm pursuing different occupations, business, avocations, or callings subject to said tax shall pay on each, and no license shall extend to more than one establishment, or include more than one occupation, avocation, business or calling.

SEC. 33. The city council shall have power to provide by ordinance, for the assessing and collecting of the taxes aforesaid and determine when taxes shall be paid by corporations, and when by the individual corporators; provided, no tax shall be levied unless by consent of two-thirds of the aldermen elected.

SEC. 34. The license tax shall be collected by the city marshal, and shall be paid to that officer by each and every person or firm owing such license, and before engaging in any trade, profession, business, calling, avocation or occupation subject to said tax; that if any person shall engage in any business, calling, avocation or occupation which by an ordinance of said city is subject to a license tax, without first having obtained said license he, she, or they shall be liable to a fine and imprisonment, and for each day such violation of

said ordinance may continue, and this section shall apply to all persons owing any license, and failing to pay the same; said taxes commonly known as licenses laid as herein provided, shall not be construed to be a tax on property within the meaning of section twenty-eight or any other section of this declaration.

SEC. 35. That the term real estate or property as used in this act shall be construed to include lots, lands and all public buildings or machinery and structures of every kind erected upon or affixed to the same.

SEC. 36. That the term personal estate or property as used in this act, shall be construed to include all household furniture, moneys, goods, capital, chattels, all ships, steamboats and vessels, whether at home or abroad, debts due from solvent debtors, whether on account, contract, note, bond, mortgage, certificate or any other obligation, public stocks, and stocks in corporations moneyed or otherwise, and generally all property which is not real.

SEC. 37. That the term income as used in this act shall be construed to include and be confined to all moneys, salaries, wages, pay, commission, brokerage and fees received in compensation for services or labor rendered, and all revenues and dividends received upon stocks in moneyed corporations not taxable under this act.

SEC. 38. That all property exempt from taxation under the laws of the State shall be exempt from taxes imposed or authorized by this act, and income to the amount of one thousand dollars shall likewise be exempt from taxation, and the city council may by ordinance provide for the exemption from taxation of such other property as they may deem just and proper; provided, nothing contained under this title of taxation shall be construed to prevent the city council from imposing, levying and collecting special taxes, and assessments for the improvement of avenues, streets and alleys as hereinafter provided.

TITLE VI.

COLLECTION OF TAXES.

SEC. 39. That the city council may and shall have full power to provide by ordinance for the prompt collection of all taxes assessed, levied and imposed by this act, or hereby authorized and due, or becoming due to the said city, and to that end may and shall have full power and authority to sell real as well as personal property, and may and shall make all such rules and regulations, and ordain and pass all such ordinances as they may deem necessary in