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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

the levying, laying, imposing, assessing and collecting of any of the taxes herein provided for.

SEC. 40. The city council shall have power by ordinance to regulate the mode and manner of making out tax lists or inventories and the appraisement of property therein, and to prescribe the form of oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered, and to prescribe the number and form of assessment rolls, and fix the duties and define the powers of the assessor and collector, and adopt such measures as they may deem advisable to secure the assessment of all property within the limits of said city, and collect the tax thereupon, and may by ordinance provide that any person, firm or corporation having property subject to taxation, or being liable for any tax under the provisions of this act, and neglecting to render a list, inventory and appraisement thereof, as required by any ordinance of said city, shall be liable to fine and imprisonment.

SEC. 41. All merchants and other persons selling goods, wares and merchandise shall, at the expiration of every three months, or oftener if required by the city council, make out and deliver to the assessor and collector, under oath, a full and complete list, statement or invoice of all goods, wares and merchandise bought, purchased or received for sale up to the time of making out such list, statement or invoice, and not theretofore given in; and all auctioneers, commission merchants, real estate, produce and other brokers and agents, shall likewise, every three months, or oftener if required by the city council, give in to the said officer a full and correct account of all purchases, consignments and sales of goods, wares and merchandise, and every description of property whatsoever; and any person failing or refusing to comply with the provisions of this section shall be liable to fine and imprisonment, and the city council shall by ordinance clearly define the duties of tax-payers herein, and make all necessary rules and regulations to secure the rendition of property, and the collection of the taxes due thereon.

SEC. 42. That it shall be the duty of the city council annually, at such time as they may determine, to appoint three commissioners, each being a qualified voter, and the owner of real estate in said city to the value of three thousand dollars, who shall be styled the Board of Appraisement; and whenever the party rendering property for assessment and the assessor and collector cannot agree on the valuation of such property, it shall be referred to the said board, and their action in appraising the same shall be final. Said board shall also appraise all property assessed as unknown or unrendered. The city council shall allow said board such compensation for their services as they

may consider just and reasonable. No person connected with the city government shall be appointed on said board, and any vacancy may be filled by the mayor.

SEC. 43. It shall be the duty of the assessor and collector to make out a list of all personal property which has not been given in for assessment according to the provisions of this act, and assess the same in the name of the owner if he be known, and if not, then it shall be assessed by description of the property, owner unknown; and the value of all such property shall be determined by the Board of Appraisement, and the same may be sold as in other cases, if the tax be not paid in the time prescribed by law.

SEC. 44. It shall be the duty of the assessor and collector, at the expiration of the time fixed by ordinance for the rendition of property, to ascertain what property in the city subject to taxation has not been given in, and a list of all such property as is subject to taxation, shall be by him presented to the Board of Appraisement for valuation by said officer and said board, and then shall by him be entered in a supplement to the assessment roll as unknown, specifying the year for which said tax is due, and the amount thereof; and if said tax is not paid within the time prescribed by law, said property shall be sold at the same time, and with like effect as other property; and on each piece of property so assessed as unknown, the assessor and collector shall be entitled to charge a fee of fifty cents.

SEC. 45. Whenever the assessor and collector shall ascertain that any taxable inhabitant's real or personal property has not been assessed for any past year, he shall assess the same in his next assessment roll (in a supplement thereto), at the same rate under which such inhabitant and property should have been assessed for such year, stating the year for which such inhabitant or property should have been assessed, and the taxes thereon shall be collected in the same manner as other assessments. In all cases where any party has omitted to render property for taxation for any former year or years, and such taxes have not been paid, such party shall give such property in for assessment for the years thus omitted, and pay said taxes, and the assessor and collector shall enter all such property in a supplement to his next assessment roll under head of payments for former years.

SEC. 46. The assessor and collector, after the completion of his assessment rolls, as required by ordinance, shall proceed to collect the taxes therein mentioned within the time, and give such notice as may be prescribed by the city council, and for that purpose shall call once upon every person taxed, or on the agent or attorney of such person at the usual place of his or her residence, office, place of business or elsewhere, and demand the payment of the taxes charged

upon his or her person or property, if the property is to be found; and if not, then a written demand specifying the amount of taxes due, left at the residence with some member of the family over fourteen years of age, shall be sufficient demand; provided, that if any person thus owing taxes has no residence, office or place of business, and no agent in the city, nor none known to the assessor and collector, then said demand shall not be necessary, and the ordinary published notice required by ordinance shall be sufficient.

SEC. 47. That if any person shall fail, neglect or refuse to pay the taxes imposed upon him and his property within the time prescribed by the ordinances of said city, the assessor and collector shall, by virtue of his tax lists and assessment roll, levy upon so much property liable to taxation belonging to such person as may be sufficient to pay his, her or their taxes; and the assessor and collector shall give notice of the time and place of sale by advertisement in writing, giving the name of the party (if not unknown property), the property and the amount of taxes, costs and fees due thereupon. Five of such notices shall be posted, one at the court house door, one at the mayor's office, one at the office of the assessor and collector, and two at different public places within said city limits, and at the expiration of such notice and on the day therein specified the assessor and collector shall proceed to sell said property at public auction, in front of the court house door of the county of Galveston, or such building as may be used for that purpose; provided, that when real estate or property is offered for sale the smallest portion of grounds (to be taken from the east side of the premises), shall be sold, for which any person will take the same and pay the taxes, costs and fees.

SEC. 48. The assessor and collector shall, when any property has been sold for the payment of taxes, make, execute and deliver a deed for said property to the person or persons purchasing the same, and such deed shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his, her or their heirs or assigns, to the premises thereby conveyed, of the following facts:

1. That the land or lot, or portion thereof conveyed, was subject to taxation or assessment at the time the same was advertised for sale, and had been listed or assessed in the time or manner required by law.

2. That the taxes or assessments were not paid at any time before the sale.

3. That the land, lot or portion thereof conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

1. That the land, lot or portion thereof sold was advertised for sale in the manner and for the length of time required by law.

2. That the property was sold for taxes or assessments as stated in the deed.

3. That the grantee in the deed was the purchaser.

4. That the sale was conducted in the manner required by law, and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale; that the taxes or assessments had been paid; that the land had never been listed and assessed for taxation or assessment as required by this act or some ordinance of the city, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the law; but no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained after the sale, and that all taxes due upon the lands have been paid by such persons or the person under whom he claims title as aforesaid; provided, however, that the owner of such property shall have the right to redeem the same at any time within two years of the day and date of sale thereof, upon paying to the purchaser, or assessor and collector selling the same, or his successor in office, double the amount of taxes for which the same was sold, together with the costs of such sale and double the amount of all taxes paid by the purchaser since such sale. The assessor and collector shall be entitled to charge the following fees: For each levy, one dollar; advertising, one dollar; on each piece of property, for a deed two dollars; for certificate of redemption, one dollar.

The assessor and collector shall have full power to levy upon any personal property to satisfy any tax imposed by this act. All taxes shall be a lien upon the property upon which they are assessed. And in case any property levied upon is about to be removed out of the city, the assessor and collector shall proceed to take into his possession so much thereof as will pay the taxes assessed and costs of collection.

SEC. 49. If from any cause the sale of property levied upon or seized for taxes should not take place at the time first appointed, the assessor and collector shall appoint some other time, give the like notice and proceed to sell such property in the manner prescribed in

the first instance; and in case said property levied upon or seized for taxes cannot be sold on the day advertised, such sale may be postponed from day to day until completed, of which postponement the assessor and collector shall give verbal notice at the expiration of sale each day.

SEC. 50. If at any sale of real or personal property or estate for taxes no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name a deed for said property, and shall be vested with the same rights as other purchasers at such sales, and shall have power to sell and convey the same.

SEC. 51. If the real estate of any infant *feme covert* or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability be removed.

TITLE VII.

FIRE DEPARTMENT.

SEC. 52. The city council, for the purpose of guarding against the calamities of fire, shall prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits within said city as they may designate and prescribe; and shall also, within said limits, prohibit the moving or putting up of any wooden building from without said limits; and shall also prohibit the removal of any wooden building from one place to another within said limits, and shall direct, require and prescribe that all buildings within the limits so designated and prescribed as aforesaid, shall be made or constructed of fireproof materials; and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such manner as they shall prescribe.

SEC. 53. The city council shall have power,

1. To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and

to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

2. To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

3. To require the inhabitants to keep and provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

4. To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires; to prohibit or regulate the building and erection of cotton presses or sheds.

5. To regulate, prevent and prohibit the use of fire-works and fire-arms.

6. To direct, control and prohibit the keeping and management of houses or any building for the storing of gunpowder and other combustible, explosive and dangerous materials, within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

7. To regulate and prescribe the manner, and order the building of parapet and partition walls and partition fences.

8. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

9. To authorize the mayor, fire wardens, officers of fire companies, or any officers of said city, to keep away from the vicinity of any fire all idle, disorderly and suspicious persons, and arrest and imprison the same, and to compel all officers of the city, and all other persons, to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

10. And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

SEC. 54. The city council shall procure fire engines and other apparatus for the extinguishment of fires, and have control thereof, and provide engine houses and other places for keeping and preserving the same; and shall have power to organize fire hook and ladder, hose and axe companies, and a fire brigade; and the companies so organized, with such assistant engineers as may be provided for, and the chief engineer, shall constitute the fire department of said city. Each company shall have the right to elect its own members and officers. The engineers shall be chosen in such manner as said de-

partment may determine, subject to the approval of the city council, who shall define the duties of said officers, and pass such ordinance as they may deem proper for the interest and welfare of said department, and may contribute to the efficiency thereof. All officers so elected and approved shall be commissioned by the mayor; and the said companies, officers and members shall observe and be governed by the ordinances of said city relating to said fire department. Said companies shall have power to adopt their own constitution and by-laws, not inconsistent with the provisions of this act and the ordinances of said city; and said department shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires; and their powers and duties shall be prescribed and defined by the city council.

SEC. 55. When any building in the city is on fire, it shall be lawful for the chief or acting chief engineer, with the concurrence of the Mayor, to direct such building, or any other buildings which they may deem hazardous and likely to take fire and communicate to other buildings, to be torn down, or blown up, or destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any such building so destroyed or injured may, within three months, and not thereafter, apply in writing to the city council to assess and pay the damages he has sustained; and if the city council and the claimant cannot agree on the terms of adjustment, then the application of such claimant shall be referred to three commissioners, one to be appointed by the claimant, one by the city council, and the third by both. They shall be sworn faithfully to execute their duty according to the best of their ability; shall have power to subpoena and swear witnesses, and shall give all parties a fair and impartial hearing, and give notice of time and place of meeting. Said commissioners shall be qualified voters and owners of real estate in the city; shall take into account the probability whether the said building would have been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made, and finally confirmed, for the appraising said damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of said damages.

SEC. 56. Every person actively serving as a fireman, or who shall have so served as a fireman in the city for a continuous term of seven years, shall be exempted from serving as a juror in any court, and from all militia duty, except in cases of insurrection or invasion. A certificate of the mayor, under the city seal, shall be evidence of such exemption. The engineer and assistant engineers, and members of the hook and ladder, hose and axe companies, fire brigade and fire

wardens, shall be deemed firemen of this city, within the meaning of this section.

SEC. 57. All fines or penalties imposed and collected for a violation of the laws and ordinances of the city for preventing and extinguishing fires, shall be paid to the treasurer of the Firemen's Relief Association, for the use and benefit of said association.

TITLE VIII.

OF SANITARY REGULATIONS.

SEC. 58. The city council shall annually appoint, by ballot, three health commissioners, who, together with the mayor as president thereof, shall constitute the board of health of the city. The mayor shall also appoint a health physician, who shall exercise the functions and perform the duties of quarantine physician, and as many health inspectors as he may deem necessary, and the council shall provide, by ordinance, the powers and duties of the board and its members, and of the physician and inspectors.

SEC. 59. The city clerk shall be the clerk of the board of health, and shall keep a record of its proceedings.

SEC. 60. The board shall designate a place to be called the "office of the board of health," at which office the president, or, in case of his inability to attend, one other member shall attend daily, from the first day of July to the first day of December in each year, if deemed necessary by the board.

SEC. 61. The city council shall have power to take such measures as they shall deem effectual to prevent the entrance of any pestilential, contagious or infectious disease into the city; to stop, detain and examine, for that purpose, any person coming from any place infected or believed to be infected with such disease; to establish, maintain and regulate pest houses or hospitals at some place within the city, or not exceeding five miles beyond its bounds; to cause any person who shall be suspected of being infected with any such disease, and who is not a resident of the city, to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel or property of any kind which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propagate disease; to abate all nuisances of every description which are or may become injurious to the public health in any manner that they may deem expedient, and, from time to time, do all acts, make all regulations, and pass

all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city.

SEC. 62. The captain, master or person in charge of any boat, steamboat, steamship, or other craft or vessel, which shall enter the city, having on board thereof any person sick of any malignant fever or other pestilential, contagious or infectious disease, shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, unless the person so diseased became so on the way, and could not be left. It shall be the duty of such captain, master or person in charge, within three hours after his arrival, to report in writing to the president or clerk of the board of health the fact of such sick person being on board, and the name, description and location of his craft; and he shall not permit such sick person to land or to be landed, or to communicate with the shore in any way until the board of health shall give permission for that purpose; and any neglect or violation of these provisions, or any or either of them, shall be a misdemeanor, punishable with fine and imprisonment, or either.

SEC. 63. The owner, driver, conductor, or person in charge of any stage, railroad car, or other public conveyance, which shall enter the city having on board any person sick of a malignant fever, or pestilential, contagious or infectious disease, unless such person became so sick on the way, and could not be left, shall be deemed guilty of a misdemeanor, punishable with fine and imprisonment, or either. Such owner, driver, conductor, or person in charge, shall, within three hours after the arrival of such sick person, report in writing the fact, with the name of such person and the house or place where he was put down in this city, to the president or clerk of the board of health; and every neglect to comply with these provisions shall be a misdemeanor, punishable by fine and imprisonment, or either.

SEC. 64. Any person who shall bring, procure, or cause to be brought into the city any person, or any property of any kind, tainted or infected with any malignant fever, or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment, or either.

SEC. 65. The board of health shall have power, by an order in writing for that purpose, to be served on the master, captain, or person in charge of any boat, steamboat, steamship, or other ship, vessel or craft, or on any owner or consignee thereof, if such boat, steamboat, steamship, or other ship, vessel or craft, be by them suspected to have on board any infected or diseased property or person, to require such boat, steamboat, steamship, ship, vessel or other craft, not to enter within the city limits or harbor, or to remove to some certain distance, not exceeding five miles from the city; and every such master, captain, person in charge, consignee or owner,

who shall be served with such an order, shall be guilty of a misdemeanor, punishable with fine and imprisonment, if such boat, steamboat, steamship, ship, vessel or other craft, shall enter the harbor or city in violation of such order, or shall not be removed, according to the tenor of such order, within a reasonable time after the service of such notice.

SEC. 66. Every keeper of an inn, hotel, tavern, boarding or lodging house in the city, who shall have in his house, at any time between the first day of July and the first day of December, any sick guest, traveler, sailor, or other person, shall report the fact and the name of the person in writing, within six hours after he came to the house or was taken sick therein, to the president or clerk of the board of health. Every physician in the city shall report, under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any malignant fever, or infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, or either.

SEC. 67. The city council shall have power, from time to time, to require and direct the filling up, draining and regulating any lot or lots, grounds or yards, or any other places in the city which shall be unwholesome, or have stagnant waters therein, or from any other cause, be in such condition as to be liable to produce disease, and to pass such ordinances as they shall deem necessary for the purpose aforesaid, and for the making, filling up, altering or repairing of all sinks and privies, and directing the mode and material of constructing them in future; and for cleansing of any house, building, establishment, lot, yard or ground, from filth, carrion, or impure or unwholesome matter of any kind, and to punish any owner or occupant violating the provisions of any ordinance so passed as aforesaid; and the city council shall also, and in addition to the foregoing remedy, have the power to cause any of the improvements above mentioned to be done at the expense of the city, on account of the owners, and cause the expense to be assessed on the real estate or lot or lots benefited thereby; and on filing with the county clerk of Galveston county a statement by the mayor of such expense, shall have a first and privileged lien on said property to secure said expenditure and twelve per cent. interest thereon. For any such expenditure and interest as aforesaid, suit may be instituted, and recovery had, in the name of the corporation, in any court having jurisdiction; and the statement so made as aforesaid, or a certified copy thereof, shall be full proof and satisfactory evidence of the amount expended in any such improvement.

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SEC. 68. The health physician may be authorized by the city council, when the public interest requires, to exercise for the time being, such of the powers, and perform such of the duties of marshal and police officer as the city council may in their discretion direct, and shall be authorized to enter all houses and other places, private or public, any boats or other water craft, at all times, in the discharge of his duty under this declaration. The city council shall have power to punish by fine and imprisonment, or either, any neglect or refusal to observe the orders and regulations of the board of health, or of the health physician, who shall be authorized to appoint a deputy.

TITLE IX.

TAXES OR ASSESSMENTS FOR IMPROVING STREETS AND AVENUES.

SEC. 69. That whenever the owners of one-half of the lots, or parts of lots, fronting on any street or avenue, shall present a petition to the city council praying that such street, avenue, or part thereof, may be improved and shelled, paved or macadamized, and setting forth that they are willing to pay one-third of the cost of such improvement, the city council shall have power and authority to make said improvement, and shall assess one-third of the cost thereof upon the lots or parts of lots on either side of the street or avenue in front of which said improvement is done; and may recover the same from the owner or owners thereof, either by suit or in the same manner and with like mode of procedure as taxes are collected, and the city council shall by ordinance prescribe the mode and regulate the manner of estimating the expense of said improvement, and of making and collecting said assessment, and shall have full power to sell any property in default of payment of any assessment so made as aforesaid, in the same manner as property may be sold for taxes, and such assessments may be required to be paid on said property before the commencement of such improvement; and in any case where the owner or owners of any lot, or part of a lot, shall be a non-resident, it shall and may be lawful to serve all necessary process, notices or citations required by this act, or any ordinance, upon his or her agent, if he or she shall have any known agent, and if there shall be no known agent resident in said city, then by publication of such notice or citation in one of the newspapers published in said city, for the space of two calendar months; and such service upon the agent, or by publication, shall in all cases be equivalent to personal service, and all ex-

penditures made by said city council, or under their authority in any such improvement under this declaration, and assessed on lots and parts of lots, shall be and constitute a charge and lien upon said lots or parts of lots, until the amount thereof, with interest thereon, at twelve per cent. per annum, be fully paid and discharged; provided, that the statement of the claim of the city upon such lots or parts of lots, signed by the mayor, be filed and recorded in the clerk's office of the county court of Galveston county, and the corporation shall have the right to institute suit to recover said amount and interest, and to enforce said lien. But the city council shall also have the right and power to collect said assessments the same as taxes are collected, and in case of non-payment, to sell any property on which said assessment has been made, with like effect as sales may be made for taxes; the other one-third of any such expense for improving any streets as herein provided for, shall be paid by the city. The city council shall have the right, by ordinance, to determine the character and nature of such improvement, to designate what officer shall act in making such assessment and collecting the same, and selling in case of any default of payment, and the deed of sale of such officer shall be as valid and binding, and have the same force and effect as deeds made by the assessor and collector for sales of property for other taxes, as hereinbefore provided. The city council shall also by ordinance prescribe such rules and regulations as they may deem necessary to the full exercise of the powers herein granted.

SEC. 70. The city council shall be invested with full power and authority to grade, shell, pave or otherwise improve any avenue, street or alley, or portion thereof, within the limits of said city, and without any petition as provided in the foregoing section whenever, by a vote of two-thirds of the aldermen elected, they may deem such improvement for the public interest; provided, the city council shall pay one-third and the owners of the property two-thirds thereof.

SEC. 71. That whenever the city council shall determine to make any such improvement, they shall cause an estimate to be made of the probable cost thereof, by the street commissioner or some other officer of the city, or by a committee of aldermen; and such officer or committee shall also report a full list of all lots or fractional lots, giving number and size of the same, and the number of the block in which situated, and the names of the owners thereof, if known, and such other information as may be required by the city council, lying and being on each side of the street, avenue or alley so to be improved as aforesaid; and if there be any lot or fractional lot the owner

whereof is not known, the same shall be entered on said list as unknown. It shall be the duty of the officer or committee aforesaid to enter on said list opposite each lot or fractional lot therein, one-third of the estimated expense for such work or improvement on such avenue, street or alley, fronting, adjoining or opposite such lot or fractional lot, and on the acceptance and approval of said report and list by the city council, said amounts shall be imposed, levied and assessed as taxes, and shall be a lien on the property until the payment of the same.

SEC. 72. That after such action on the part of the city council as above provided for, such officer or committee shall give such notice as may be required by ordinance, of said tax being due and within what time payable, and shall commence forthwith to collect the same. That after the expiration of the period for payment of said tax, said officer or committee shall levy on so much of any property on said list on which said tax has not been paid, as will be sufficient to pay the same, and the same notice of sale as is required in sales for other taxes, shall be given, and if said tax is not paid before the day of sale, said officer or committee shall sell said property in the manner, and under the circumstances, and to the extent, and subject to the same conditions, which are or may be provided by ordinance for the sale of real estate in the city of Galveston, charged with the payment of taxes imposed by said corporation, and said officer or committee shall execute a deed to the purchaser at any such sale, and all the provisions of this declaration in reference to a deed drawn by the assessor and collector for taxes, shall apply to the deed provided for in this section.

SEC. 73. That in addition to the power and authority granted to the city council to collect said assessment as taxes as aforesaid, they shall have the further and additional remedy of instituting suit in the corporate name, in any court having jurisdiction, for the recovery against any owner of said property for the amount due for any such work, so made as aforesaid; and the city council shall provide by resolution or ordinance, under the provisions of this declaration, for carrying out and executing the powers in this title conferred, and may adopt such resolutions and enact such ordinances, and make such rules and regulations as they may deem necessary.

TITLE X.

PASSENGERS COMING TO THE CITY OF GALVESTON.

SEC. 74. Within two hours after the landing of any passengers

from any steamship, steamboat, ship or vessel arriving in the harbor or port of said city from any of the United States, other than this State, or from any country out of the United States, the master, captain, commander, owner or consignee of such steamship, steamboat, ship or vessel from which such passenger or passengers shall have been landed, shall make a full report in writing on oath or affirmation, to the mayor, and the city council shall, by ordinance, prescribe the mode and manner of making out said report and the contents thereof, and to make such other rules and regulations in relation thereto as they may deem necessary, and to provide that any person violating any of the provisions of such ordinance shall be punished by fine and imprisonment.

SEC. 75. The city council may require the master, captain, commander, owner or consignee of any ship or vessel so arriving as aforesaid, to give a several bond, with good and sufficient securities, in the sum of three hundred dollars, payable to the city of Galveston, for each and every passenger included in said report, conditioned to indemnify and save harmless such city from any cost or expense for the relief or support of the person named in the bond, for five years from the date thereof, and the city council shall make all such rules and regulations in relation to said bond and the security and solvency of the same, as they may deem necessary, and in the event of the forfeiture or breach of any such bond, suit may be instituted and recovery had thereupon in any court having jurisdiction; provided, that the city council may allow any captain, commander, master, owner or consignee of any such ship or vessel at any time within three days after the landing of such person or passenger, to commute for the bond or bonds so required, by paying to the mayor or officer authorized to receive the same, the sum of one dollar for every passenger so reported; the receipt of which sum shall be deemed a full and sufficient release and discharge from the requirement of giving bonds as above provided, and all sums so received shall be paid into the city treasury, and be used and appropriated solely for the support and benefit of the hospital or hospitals established by the said corporation.

TITLE XI.

MISCELLANEOUS PROVISIONS.

SEC. 76. Whenever in the opinion of the city council any building, fence, shed, awning or other erection of any kind, or any part thereof, is liable to fall down and endanger persons or property, they

may order any owner or agent of the same, or any owner or occupant of the premises in which such building, shed, awning or other erection stands, or to which it is attached, to take down and remove the same, or any part thereof, within such time as they may direct, and punish by fine or imprisonment, or either, any neglect, failure or refusal to comply therewith. The city council shall, in addition, have the power to remove the same at the expense of the city, on account of the owner of the property or premises, and assess the expense on the land on which it stood, or to which it was attached, and shall, by ordinance, provide for such assessment, the mode and manner of giving notice and the means of recovering any such expense.

SEC. 77. Whenever any person has been required by the recorder to give a peace bond or bonds for good behavior, or any similar bond under this declaration, and has complied with such order, and been guilty of a violation or infraction of any such bond, and the same is proved or established to the satisfaction of that officer in any trial or complaint, such party so offending may be fined in the sum of five hundred dollars and imprisoned for six months, and the city in its corporate name may sue in any court having jurisdiction for the recovery of the penalty of such bond.

SEC. 78. That the city council shall not have power and authority under this charter to contract for and create debts exceeding in the aggregate the sum of five hundred thousand dollars, unless the question of the creation thereof be first submitted to a direct vote of the owners of real estate within the city (and otherwise qualified voters under this act), and approved of and sanctioned by a majority of such voters.

SEC. 79. The territory contained within the boundary of the city of Galveston shall be divided into four wards, the boundaries to be as now established by ordinance; provided, that the city council of said city shall have power, from time to time, to cause a division of said city to be made into as many wards as they may deem necessary and for the good of the inhabitants of said city; but no such division shall be made unless it be done at least three months preceding the city election next ensuing, and said wards so established shall contain, as far as practicable, an equal number of voters.

SEC. 80. In case of the temporary absence, sickness or inability of the recorder to act, or in case of vacancy in that office, the mayor shall have full power and authority to act as recorder and as judge of the recorder's court, until said officer can resume his duties, or the vacancy be filled by election of the city council. The mayor, while so acting, shall perform all the duties, and have, possess and

execute all the powers and authority vested in the recorder by this declaration, or any ordinance passed in pursuance thereof.

SEC. 81. In all cases where, by any provisions of this declaration, or by any ordinance passed in pursuance thereof, a person is required to obtain a license for any calling, occupation, business or avocation, and has, on complaint before the recorder, been adjudged guilty of violating any rule, regulation or ordinance of the city council in relation thereto, the recorder, in addition to fine or imprisonment, or either, may suspend or revoke the license so granted.

SEC. 82. The city council shall, as soon as may be after the commencement of each municipal year, contract as they may by ordinance or resolution determine, with a public newspaper of the city as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this declaration, or by the ordinances of the city, to be published.

SEC. 83. The city council shall, at least ten days before the annual election in each year, cause to be published in the city newspaper a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds are derived, and showing for what purposes disbursed, the condition of the treasury, together with such information as may be necessary to a full understanding of the financial concerns of the city.

SEC. 84. Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published in every issue of the city paper for ten days, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinances in all courts and places. Ordinances passed by the city council and requiring publication, shall be in force from and after the due publication thereof, unless it be therein otherwise expressly provided. Ordinances not requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided.

SEC. 85. There shall be a digest of the ordinances of the city which are of a general nature, published within six months, or as soon as practicable thereafter, from the first Monday in March, 1867, and a like digest within every period of five years thereafter; provided, it shall be the duty of each city council to cause to be printed, in pamphlet form, at the end of each municipal year, all the ordinances passed for the year past and then in force.

SEC. 86. All ordinances of the city, when printed and published by authority of the city council, shall be admitted and received in all courts and places without further proof.

SEC. 87. The style of all ordinances shall be "Be it ordained by the city council of the city of Galveston," but may be omitted when published in the form of a book or pamphlet.

SEC. 88. All ordinances, regulations and resolutions now in force in the city of Galveston, and not inconsistent with this declaration, shall remain in force under this declaration until altered, modified or repealed by the city council after this declaration shall take effect.

SEC. 89. All fines, forfeitures and penalties, for the breach or violation of any provisions of this declaration, or of any regulation, order, or ordinance of the city council, shall, when collected, be paid into the city treasury, for the use and benefit of said city, except such fines as are herein appropriated to the Treasurer's Relief Association.

SEC. 90. No person, other than an elector, tax payer and resident of the city, shall be appointed to any office by the city council.

SEC. 91. Resignation by any officer authorized to be elected or appointed by this act, shall be made to the city council, in writing, subject to their approval and acceptance; provided, that nothing in this section contained shall apply to appointments by the Mayor; any such appointee, wishing to resign, shall present his resignation to that officer, in writing, for his action.

SEC. 92. The city council shall have power to remove any officer, except the Mayor, Recorder and Health Physician, for incompetency, corruption, malconduct or malfeasance in office, after due notice and an opportunity to be heard in his defense; and in addition to the foregoing power of removal, the city council shall have power at any time to remove any officer of the corporation, elected by them, by resolution declaratory of its want of confidence in said officer; provided, that two-thirds of the Aldermen elected shall vote in favor of said resolution.

SEC. 93. Any vacancy which may occur in any office required to be filled by the city council, may be temporarily filled by resolution of that body; and the person so appointed, shall hold the office until such vacancy shall be filled by ballot, and his successor enter upon the duties of the office. Such temporary appointments may at any time be rescinded in same manner as made.

SEC. 94. Whenever any person shall be removed from any office, or the term for which he was appointed or elected, has expired, or he has resigned, or ceased to act in such official capacity, he shall deliver over to his successor all books, papers and effects, in any way appertaining to his office. Every person violating this provision, shall be guilty of a misdemeanor, and shall be deemed an offender,

within the meaning of any law of the State, punishing such offence; and in addition thereto, shall, on conviction before the Recorder, be fined in any sum not exceeding five hundred dollars, and imprisoned for any time not exceeding six months, or either.

SEC. 95. That no member of the city council shall hold any other employment, or office, under the city government, while he is a member of said council, unless herein otherwise provided; and no member of the city council, or any officer of the corporation, shall be directly or indirectly interested in any work, business or contract, the expense, price, or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract, work, or business with said city, for the performance of which security may be required.

SEC. 96. The members of the city council shall be exempt from jury service during their term of office. Each Alderman shall receive three dollars for every meeting attended, and be fined in a like sum for every meeting which he fails to attend, without sufficient excuse for each absence.

SEC. 97. The city council shall have power to prescribe the duties of all the officers and persons appointed by them, or elected to any office or place whatever, subject to the provisions of this act; to revoke any license given under this act; to remit in whole, or in part, and on such conditions as shall be deemed proper, by a vote of two-thirds of all the members present, any fine or penalty belonging to the city, which may be imposed or incurred under this act, or under any ordinance or regulation passed in pursuance thereof.

SEC. 98. Where, by the provisions of this act, the city council have power to pass ordinances on any subject, they may prescribe any penalty not exceeding two hundred dollars, for the violation thereof, and imprisonment, not to exceed three months, (unless a larger penalty be prescribed therefor by this act), and in the case of the imposition of a fine and non-payment, may provide that the party convicted be committed to jail, or house of correction, or required to work on the alleys, avenues or streets of said city, or on any public work under the control of the city council.

SEC. 99. The city council shall, on or before the first day of January, in every third year, fix the annual salary of the Mayor to be elected at the next regular election, and shall, at the same time, establish the compensation or salary to be paid to the officers appointed by him, and the compensation or salary, so established, shall not be changed during the term for which said officers shall be appointed.

SEC. 100. It shall not be necessary in any action, suit or proceeding in which the city of Galveston shall be a party, for any bond, undertaking, or security, to be executed in behalf of the city; but all such actions, suits and proceedings, shall be conducted the same as if such bond, undertaking or security, had been given, and for all the purposes of such actions, suits or proceedings, the city shall be liable in the same manner, and to the same extent, as if the bond, undertaking or security, required in ordinary cases, had been duly given and executed.

SEC. 101. The cemetery lots, which have or may be hereafter laid out and sold by said city for private places of burial, shall, with the appurtenances, forever be exempt from taxes, execution, attachment, or forced sale.

SEC. 102. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Galveston, in any action or proceeding in which said city may be a party in interest.

SEC. 103. All rights, actions, fines, penalties and forfeitures in suit or otherwise, which have accrued under the law heretofore in force, shall be vested in and prosecuted by the corporation hereby created; and no suit pending shall be affected by the passage of this declaration, but the same shall be prosecuted or defended as the case may be, by the corporation hereby created.

SEC. 104. All property, real and personal, or mixed, belonging to the city of Galveston, is hereby vested in the corporation created by this declaration, and the officers of said corporation, now in office, shall respectively continue in the same until superseded, but shall be governed by this declaration from and after it takes effect.

SEC. 105. Whenever a majority of the inhabitants, qualified to vote for members of the State Legislature, on any territory adjoining the present limits of the city of Galveston, to the extent of half a mile in width, shall vote in favor of becoming a part of said city, any three of them may make affidavit before the mayor, who shall certify the same to the city council of said city, and said city council may, by ordinance, receive them as a part of said city; from thenceforth the territory so received shall be a part of the said city, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and bound by all the acts and ordinances made in conformity thereto, and passed in pursuance of this declaration.

SEC. 106. This declaration shall not invalidate any legal act done by the city council of the city of Galveston, or by its officers, nor divest their successors, under this declaration, of any rights of property, or otherwise, or liability, which may have accrued to, or been

created by said corporation, prior to the passage of this declaration.

SEC. 107. That from and after the passage of this declaration, an act entitled "An act to repeal an act entitled an act to consolidate, in one act, and to amend the several acts incorporating the city of Galveston, approved August 27, 1856; and to grant a new charter of incorporation to said city, approved December 9, 1863," be and the same is hereby repealed.

SEC. 108. This declaration shall be deemed a public declaration and may be read in evidence, without proof, and judicial notice shall be taken thereof in all courts and places, and no municipal ordinance or regulation shall be valid contravening the declarations and ordinances of this Convention, and this declaration shall be in force and take effect from and after the first day of April, 1869.

It was so ordered.

Mr. Patten introduced a declaration for the relief of the Waco Bridge Company, and asked its reference to the Committee on Internal Improvements without reading.

It was so ordered.

Mr. Newcomb offered the following

RESOLUTION.

WHEREAS, The south-western frontier of this State has suffered greatly, and still suffers, from the depredations of Indians of the Kickapoo, Pottawatomie, Muscogee and Seminole tribes having their rendezvous in Mexico; and

WHEREAS, Said Indians were once under the jurisdiction of the United States Government, and now signify their wish, through Mr. C. W. Thomas, a reliable resident of Santa Rosa, Mexico, to again be placed under the jurisdiction of the United States, to be removed to a reservation and cease their depredations; therefore, be it

Resolved, That the attention of the Federal authorities be drawn to this matter and the Secretary of the Interior Department, or the proper authority, be requested to send an authorized agent, or the authority to some proper person in Mexico, to enter into negotiations with the above-named Indians.

Second. That this preamble and resolution be transmitted to the Secretary of the Interior Department, President of the United States Senate, and Speaker of the House of Representatives and the Military Commander of this District, by the President of this Convention.