

L A W S

OF THE

S T A T E O F M I S S I S S I P P I ,

P A S S E D A T A R E G U L A R S E S S I O N

O F T H E L E G I S L A T U R E ,

H E L D I N T H E

C I T Y O F J A C K S O N ,

I N T H E M O N T H S O F J A N U A R Y A N D F E B R U A R Y , A . D . 1840.

P R I N T E D B Y A U T H O R I T Y .

JACKSON:

C. M. PRICE, STATE PRINTER.

.....

1840.

words five years, be, and the same is hereby, repealed.

Sec. 5. *And be it further enacted*, That this act be in force from and after its passage.

Approved February 18th, 1840.

CHAPTER 111.

AN ACT to incorporate the Town of Hernando, in the County of De Soto.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the town of Hernando, in the county of De Soto, be, and the same is hereby, incorporated and bounded as follows, to wit; The whole of Section thirteen, in township three, and range eight, West, and the West half of Section eighteen, township three, and range seven. West.

Town incorporated.

Boundary of town.

Sec. 2. *Be it further enacted*, That every free white male person, having attained the age of twenty-one years, and having resided in the State twelve months, and in the corporate limits of said town four months next preceding an election for town officers, shall be a qualified elector and eligible to any town office.

Qualifications of Electors.

Sec. 3. *Be it further enacted*, That the Sheriff of said county, for the time being, is hereby authorized to hold an election in said town of Hernando, on the first Monday in July next, (by giving ten days previous notice,) between the hours of ten o'clock, A. M., and four o'clock, P. M., for the purpose of electing five persons as aldermen; also, one mayor, treasu-

Duty of Sheriff to hold first Election for town officers; when, &c.

rer, recorder and constable, who shall serve until their successors are duly elected and qualified; and that the annual election shall be held in said town on the first Monday in July in each and every year, between the hours of ten o'clock in the morning and four o'clock in the evening, and that the mayor elected in pursuance of this act shall be commissioned by the Governor as a justice of the peace; he shall preside at each meeting of the Board of mayor and aldermen of said town, and by virtue of his office shall have power to perform all such duties, and receive like emoluments and immunities as are performed and received by other magistrates in said county; but in case of his absence from any meeting of the said Board of Aldermen, any member thereof may be called to the chair.

Mayor to be
comm'd. a
Justice of
the peace.

Absence of
the mayor
at any mee-
ting.

Name and
style in law.

Powers.

Sec. 4. *Be it further enacted*, That the said mayor and aldermen shall be a body corporate and politic, by the name and style of the mayor and aldermen of the town of Hernando; and, as such, they and their successors in office shall be capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all manner of suits and actions, either in law or equity, and also receive donations, purchases, give, grant, sell, convey and contract, and do any and all other such acts as are incident to bodies corporate and politic.

Power to
pass by-
laws, etc.

Sec. 5. *Be it further enacted*, That said mayor and aldermen shall have power to pass all necessary by-laws for the good order and government of said town, not inconsistent with the constitution and laws of this State, and the United States, whereby education and mo-

ality may be promoted, and the retailing and vending ardent spirits, gambling, and every species of vice and immorality may be suppressed, together with the exhibition of the orders and savage practice of wearing dirks and bowie knives or pistols; and, in their corporate capacity, they may inflict a fine or penalty on any person for a violation of such by-laws, not exceeding fifty dollars for any offence, recoverable, with costs, before their mayor or any justice of the peace for said county, in the name of said corporation, for the use and benefit of said town.

Punish-
ments and
fines.

Sec. 6. *Be it further enacted*, That the corporate limits of said town of Hernando are hereby declared to be a district, entitled to a justice of the peace and constable; and that said mayor and constable, when elected and commissioned by the Governor, shall each be subject to perform all the duties and receive all such profits, as are performed and received by other justices of the peace and constables of this State.

Corporate
limits.

Mayor and
Constable
to be com-
missioned.

Sec. 7. *Be it further enacted*, That the duties, responsibilities, and compensation of the treasurer and recorder, shall be prescribed by the said mayor and aldermen.

Treasurer's
duties and
compensa-
tion.

Sec. 8. *Be it further enacted*, That for the purposes of revenue, the said mayor and aldermen may tax such property as is liable to taxation under the existing laws of this State; *Provided*, such tax shall not exceed fifty cents on each white poll, fifty cents on each slave, and twelve and one half cents on every hundred dollars' worth of personal or real estate within the limits of said town, in any one year; and the money so raised shall be appro-

Town rev-
enue--how
to be raised.

Limits of
Tax.

Manner of
appropria-
ting money

priated by the said mayor and aldermen, exclusively, for the use and benefit of said town.

Citizens of town exempt from Road duties.

Terms of release from labor.

Sec. 9. *Be it further enacted*, That the citizens of said town, subject to road duties beyond its corporate limits, shall be exempt from such duties beyond its corporate limits; and the said mayor and aldermen may release them from such labour within said limits, upon their paying an equivalent therefor, not to exceed nine dollars in any one year.

Should the Board from any cause not be organized,—then, three citizens may cause an election to be held.

Sec. 10. *Be it further enacted*, That if from any cause the said Board should not be constituted as contemplated by this act, any three citizens of said town may call a meeting at any time for the purpose of such election, by giving ten days previous notice, by advertisement set up in said town; and such election shall be as valid as though it had been held on the regular appointed days therefor.

Mayor may call meetings of the Board.

Sec. 11. *Be it further enacted*, That when said Board has been organized, the said mayor may call a meeting at any time by giving five days notice; that a majority shall constitute a *quorum*; that in case of a tie, the mayor shall give a casting vote; and that the said Board shall have power to fill all vacancies which may occur in their body, from one annual election to the next succeeding one.

Contravening acts, repealed.

Sec. 12. *And be it further enacted*, That all acts and parts of acts coming within the meaning and purview of the provisions of this act, shall be null and void.

Approved February 18, 1840.