

L A W S
OF THE
STATE OF MISSISSIPPI,

PASSED AT A REGULAR SESSION

OF THE
MISSISSIPPI, LEGISLATURE.

HELD IN THE CITY OF JACKSON

JANUARY, FEBRUARY, AND MARCH, 1850.

JACKSON:
FALL & MARSHALL, STATE PRINTERS.
1850.

CHAPTER 232.

AN ACT to incorporate the town of Biloxi, in the county of Harrison.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the town of Biloxi, in the county of Harrison, be, and the same is hereby incorporated, and that the corporate limits of said town shall be bounded on the east by the west line of the land of Pierre DeBuys, on the south by the middle of the channel of the Pass of Biloxi, on the west by the east line of the land of Lewis A. Calaret, and on the north by the middle channel of the Back Bay of Biloxi. Incorporation.

SEC. 2. *Be it further enacted,* That an election shall be held in said town at any time within ninety days after the passage of this act, upon application being made by any three freeholders of said town, to any Justice of the Peace of the county of Harrison; whereupon the said Justice of the Peace shall give ten days' notice in writing of the time and place of holding said election: said election shall be held under the inspection of said Justice of the Peace, and any two freeholders of said town, appointed by said Justice, for the election of one president and four selectmen, one assessor and collector one treasurer and one constable, who shall hold their respective offices until the first Monday in January, A. D., 1852, and until their successors are duly qualified, and the general election for officers of said town shall be held upon the first Monday in January every two years thereafter, under the inspection of one Justice of the Peace and two freeholders residing in said town, appointed by said Justice, one of whom shall be returning officer of said election, and shall certify the result thereof to the Secretary of State, whereupon the person so elected president, shall be commissioned by the Governor as president of the board of selectmen of the town of Biloxi; said president and selectmen shall receive no compensation for their services, except as hereinafter provided, and shall be exempt from working on roads. Election.

SEC. 3. *Be it further enacted,* That no person shall hold the office of president or selectmen of said town, unless he be a citizen of the United States and of this State, and shall have been an inhabitant of said town one year next preceeding his election. Qualification for office.

SEC. 4. *Be it further enacted,* That said president and selectmen shall meet on the Monday next following their election, and take and subscribe the oath required by the constitution, and that the regular meetings of said president and selectmen shall be held on the first Monday of every month, a majority of whom shall, at all times form a quorum for business, and in case of the absence of said president, said selectmen shall have the power to elect a president pro. tem., out of their own body, and the president shall have power to call special meetings of said board whenever business may require.

SEC. 5. *Be it further, enacted,* That the president and selectmen of the town of Biloxi shall be a body politic and corporate, in fact and name, by the style of "the president and selectmen of the town of Biloxi," and by that name they and their successors shall have perpetual succession, be capable in law to purchase, take, receive, hold and enjoy, to the use of them and their successors, real estate in fee simple or lesser interest, and the same to lease, release, sell, alien and convey, and all manner of chattles and personal estate, to purchase, take, receive, hold and enjoy, to sell or otherwise dispose of: *Provided,* that the value of all the property owned by said corporation, shall not exceed twenty thousand dollars: by the same name they and their successors shall be liable and capable in law to sue and be sued, plead and be impleaded, in all manner of suits or actions either in law or in equity, and to do all other acts and deeds which are incident to bodies corporate. They shall have power to raise such sums of money as they may think necessary for the use of said town, by taxes levied on the real and personal estate therein, according to the regulations of said board, and to tax all free negroes and mulattoes therein: *Provided,* that the sum so raised shall not, in any one year, exceed one-fourth of one per cent. of the value of the property taxed. They shall have power to make such by-laws, ordinances and regulations in writing, not inconsistent with the constitution and laws of this State, as to them shall seem necessary for the well-being, good order, health and prosperity of said town, and the same to put in execution, revoke, alter or amend; as to them shall appear expedient. They shall have power to elect a clerk, to appoint and nominate, all the officers, except those hereinbefore specified, that they may deem

Regular
meetings.

Privileges
and duties.

Election
of officers.

fit and necessary for carrying into effect their by-laws, ordinances or regulations; and to suspend, remove or revoke any officer by them appointed, to require of the assessor and collector, treasurer, constable, and other officers of said town, bonds for the faithful discharge of their duties, which duties they are hereby authorized to define. They shall have power to establish and regulate patrols within their corporate limits; to lay out, open and repair such streets as they may think necessary, to regulate markets and erect a market-house, to order the owners or agents of any lots or houses in said town to make the necessary improvements or repairs in the streets, in front of said lots or houses.

SEC. 6. *Be it further enacted*, That the said president and selectmen shall have power to make and repair, or cause to be made and repaired, banquettes or side-walks, paved with brick or stone, and pavements upon the streets of said town, whenever a majority of the persons holding real property upon said streets shall petition for the same: *Provided*, that one-half of the expense thereof shall be borne proportionably by the persons in front of whose property said banquettes, side-walks or pavements shall be made, and the remaining half by said town. Make banquettes.

SEC. 7. *Be it further enacted*, That the said president and selectmen shall have exclusive power, and they are hereby solely authorised to grant licenses to retail vinous and spiritous liquors, to set up and use billiard tables, and all other gaming tables and ten-pin alleys within the corporate limits of said town, at the same rates and under the same rules and regulations as prescribed by law; and that all moneys arising therefrom shall be applied to the support of common schools within said corporate limits, under the direction of the said president and selectmen; and that the president shall, on or before the first day of every Circuit Court to be holden in and for the said county of Harrison, transmit a list of all persons so licensed, with the date of their licenses, under his hand and seal, to the clerk of said court; the said president and selectmen shall have sole and exclusive power to grant licenses for erecting and keeping wharves within their corporate limits for such length of time, and under such regulations and restrictions, and upon such terms as to them shall seem fit; to establish the tolls to be re- To grant licenses.

ceived at such wharves; to require of the persons applying for such licenses, bonds payable to the said president and his successors in office, with security, to be approved by him, conditioned to keep the said wharves in good order; they shall have power to license merchants, auctioneers, hawkers and peddlers, and all trading boats, of whatever size, nature or description; also, all pistol alleys and shooting galleries within their corporate limits, upon such terms and conditions, and under such regulations as they shall deem proper.

Justices of the Peace. SEC. 8. *Be it further enacted,* That one or more justices of the peace shall be elected by the qualified electors of the district in which said corporation is situated, whose duty it shall be to issue all process necessary to carry into effect all ordinances, judgments and decrees of the said board of selectmen; and in case there be no constable elected and qualified in said corporation or district, it shall be the duty of the sheriff of said county to execute and return all process issued by said justice or justices, under the penalty of the law now in force for failing to execute process.

Fines, &c. SEC. 9. *Be it further enacted,* That all fines and amercements under this act shall be levied of the goods and chattels of the offender, by warrants, under the hand and seal of the justice of the peace in said district or corporation, directed to a constable or other legal officer, who is required to execute the same; which fines and amercements shall be paid into the town treasury for the use of the said town; and when any fines or amercements shall be imposed upon any person having no goods or chattels whereon the same may be levied, or other property except lots or houses, then said president and selectmen shall have power to lease such lots or houses for such a time as will be sufficient to pay the same, to any person who will take such premises for the shortest time for the amount of such fines and the costs thereon.

To prevent building on beach. SEC. 10. *Be it further enacted,* That it shall not be lawful for any person or persons within the limits of said corporation, in any way to obstruct, by buildings, fences, or otherwise, the passage upon the beach in front of said town, but that at least sixty feet above high water mark shall be left open as a street or road; and that all buildings now erected upon said beach, and within sixty feet above high

water mark, or below the same, shall, at the expiration of five years from the passage of this act, be taken down or removed therefrom by the owners thereof; and no houses or buildings shall hereafter be erected below high water mark, or in or over the water in front of said town, except bathing houses.

SEC. 11. *Be it further enacted*, That when any vacancy shall occur by death, resignation, removal ^{Vacancies.} or otherwise, in the office of president, selectmen, treasurer, assessor and collector, or constable of the said town, the said president and selectmen, or a majority thereof, shall have power to fill such vacancy until the next regular election.

SEC. 12. *Be it further enacted*, That the bonds to be given by the assessor, and collector, and treasurer of said town, shall be payable to the president and selectmen of said town and their successors in office, and may be put in suit and collected in any court in this State having jurisdiction thereof, for all violations of the conditions thereof; the bond to be given by the constable of said town, shall be as required by law of other constables. ^{Bonds.}

SEC. 13. *Be it further enacted*, That the said president and selectmen shall be limited in all contracts for or on account of said corporation, in any year, to the amount of revenue raised in said town during such year; and they shall, in no case, have the power to contract any debts or liabilities for or on account of said corporation, or bind the same therefor, to exceed the yearly revenue thereof, or to raise any extra tax to meet or pay the same, unless thereto authorised by the vote of two-thirds of the qualified electors residing in said town, at an election called and held for that purpose, in which case they shall have power so to do; and they are hereby authorised to call such election if they shall deem necessary. ^{Liabilities.}

SEC. 14. *And be it further enacted*, That this act shall be in force and take effect from and after its passage.

Approved February 18, 1850.