

LAWS

OF THE

TERRITORY OF NEW MEXICO,

PASSED BY THE FIRST

LEGISLATIVE ASSEMBLY,

IN THE CITY OF SANTA FE,

[AT A SESSION

BEGUN AND HELD ON THE SECOND DAY OF JUNE,

A. D. 1851;]

AND

[AT A SESSION

BEGUN AND HELD ON THE FIRST DAY OF DECEMBER,

A. D. 1851.]

TO WHICH ARE PREFIXED THE CONSTITUTION OF THE
UNITED STATES, AND THE ACT OF
CONGRESS ORGANIZING
NEW MEXICO AS A TERRITORY.

CITY OF SANTA FE:

JAMES L. COLLINS & CO., PRINTERS.

MDCCCLII.

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| 12. Marshal's powers and duties. | } | 16. Of elections to the council. |
| 13. Fees of mayor and marshal. | | 17 & 18. Fines and penalties; how collected. |
| 14. Bonds of treasurer and marshal. | | 19. This act to be submitted to the vote of the qualified electors of the city. |
| 15. City attorney. | | |

Be it enacted by the General Assembly of the Territory of New Mexico—as follows :

Sec. 1. That the inhabitants of that portion of said Territory in the county of Santa Fe, bounded and described as follows, to wit: On the east by a line running north and south, and being one mile east of the centre of the plaza of said city; on the south by a line from said east line west, one mile distant from the plaza of Santa Fe; on the west by a line from said south line running north, and one mile distant from said plaza, and on the North by a line intersecting said east and west lines, running east and west, one mile distant from said plaza, be, and hereby are incorporated by the name and style of the City of Santa Fe, and by that name they and their successors shall be known in law; have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions, pleas and matters whatsoever; may grant, purchase, hold and receive property, real and personal, within said city, and in no other place, burial ground, cemeteries and places for the deposit of offal, rubbish and filth excepted, and may lease, sell, and dispose of the same for the benefit of the city, and may have a common seal, and break and alter the same at pleasure.

Sec. 2. The corporate powers and duties of said city shall be vested in a Mayor and Board of Common Council to consist of eight members. Such mayor and councillors shall be chosen by the qualified electors residing in said city on the second Monday in August of every year, in the manner hereinafter provided; and shall continue in office until their successors are elected and qualified.

Sec. 3. No person shall be mayor or councillor who shall not have attained the age of twenty-one years—who shall not be a free white male citizen of the United States, including those recognized as such citizens by the treaty between the United States and the Republic of Mexico of the 2nd of February, A. D. 1848—who shall not be an inhabitant and have resided therein one year next preceding—and the mayor and members of the council shall hold their office during the term of one year, and until their successors are duly commissioned and qualified.

Sec. 4. Every mayor and councillor, before entering upon the duties of his office, shall take an oath to support the Constitution of the United States, and the Law of the Congress of the United States, establishing the Territory of New Mexico, and faithfully demean himself in office. Every board of common council shall assemble within twenty days after their election, and choose a chairman of their number.—The board shall by ordinance fix the time and place of holding their stated meetings, and may be convened by the mayor at any time.

Sec. 5. At all meetings of the board a majority of the councillors shall constitute a quorum to do business—a smaller number may adjourn from day to day and may compel the attendance of the absent members in such manner and under such penalties as the board previously by ordinance may have prescribed.

Sec. 6. The board of common councillors shall judge of the qualifications, elections and returns of their own members and determine

contested elections of the mayor and their own members. They may prescribe rules for their own proceedings, punish any member or other person for disorderly behavior in their presence, and with the concurrence of four of the councillors, expel any member, but not a second time for the same cause. They shall keep a journal of the proceedings, and at the desire of any member, shall cause the yeas and nays to be taken, and entered on the journal, on any question, resolution or ordinance, and their proceedings shall be public.

SEC. 7. The board of common councillors shall have power to pass By-Laws and Ordinances to prevent and remove nuisances, to prevent, restrain and suppress disorderly houses, to provide for licensing and regulating dram-shops, and tipping houses, gambling houses, billiard-tables, theatrical and other amusements, within said city, to prohibit the firing of fire-arms, to prevent furious and unnecessary riding or driving of any horse or other animal within such city, or such part thereof as they may think proper; to regulate and prescribe the quantities and places in which gun-powder or other dangerous combustible may be kept; to prohibit dogs from running at large in said city; to establish night watches and patrols; to prevent the introduction or spread of contagious diseases; to prevent and extinguish fires; to establish and regulate markets, to erect and repair bridges, to provide for the inspection of lumber, building materials, and provisions to be used or offered for sale in said city, to borrow money for the improvement of said city, or to supply the same with water, to open and form public squares, avenues, drains and sewers, and to keep the same clean and in order. To open, clear, regulate, graduate or improve the streets and alleys of said city; to impose and appropriate fines, forfeitures and penalties for breaches of their ordinances; to levy and collect taxes and to pass such other by-laws and ordinances for the regulation and police of said city as they may deem necessary, not contradictory or repugnant to, or inconsistent with, the laws of the land.

SEC. 8. The mayor shall nominate, and by and with the consent of the board of common council, appoint a Register, who shall also be clerk of the board of common council, a Treasurer, a Marshal, and such Police force as shall by an ordinance be established; the marshal shall be collector for the city.

SEC. 9. The board of common council shall by ordinance prescribe the powers and duties of each of the officers to be appointed in accordance with the last preceding section.

SEC. 10. Every ordinance or by-law passed by the board of common council, shall, before it takes effect, be presented to the mayor for his approbation—if he approve, he shall sign it,—if not, he shall return it together with his objections to the register. If the board of common council shall proceed to re-consider the same, and, if a majority shall again agree to pass the same, it shall take effect. If any ordinance or by-law shall not be returned by the mayor to the register within ten days after it shall have been presented to him, it shall take effect in like manner as if the mayor had signed it.

SEC. 11. The mayor shall have and exercise the powers and duties of a justice of the peace in all matters arising within the city, both civil and criminal, or between parties residents thereof, or when either party is a resident thereof, and the defendant is found therein. And in criminal matters the warrants of the mayor shall run to all parts of the county of Santa Fe, and may be endorsed in any other county in the same manner as the warrants of a justice of the peace.

SEC. 12. The marshal shall have and exercise the same powers and duties of a constable within the jurisdiction of the mayor.

SEC. 13. The mayor and marshal shall receive the same fees for their services, that justices of the peace and constables receive for similar services.