

L A W S
OF THE
TERRITORY OF IDAHO,
FIRST SESSION;

CONVENED THE 7TH DAY OF DECEMBER, 1863, AND ADJOURNED
ON THE 4TH DAY OF FEBRUARY, 1864, AT

LEWISTON.

ALSO, CONTAINING THE
TERRITORIAL ORGANIC ACT,
DECLARATION OF INDEPENDENCE, THE FEDERAL
CONSTITUTION, THE PRE-EMPTION, AND
NATURALIZATION LAWS, ETC., ETC.

LEWISTON:

JAMES A. GLASCOCK, TERRITORIAL PRINTER.

1864.

mon council may elect one of their own number to act as city clerk, and fix his compensation.

SEC. 5. Said mayor and common council shall have full power and authority to levy taxes for municipal purposes, not to exceed one half of one per centum per annum, upon all taxable property, in said city, and to collect the same in the manner hereinafter prescribed; to prevent and restrain any disturbance or disorderly conduct, riot, drunkenness or any indecent or immoral practice within the limits of said city; to make such regulations as shall promote the health, peace, cleanliness, and good order within said city; to control and regulate the fire department, and to provide by ordinance for the election of the officers of said department by the members thereof, specifying such officers and defining their duties; to open and establish streets and widen the same when deemed necessary, and for that purpose to condemn property for the city use under such regulations as they may provide for that purpose; but the amount to be paid to the claimant, shall be fixed by three disinterested persons, after due notice to the claimant, and hearing all the evidence to be offered, their report to be afterwards acted upon by the council. The claimant of such property shall be entitled to an appeal from the decision of said council, or of any commissioners or appraisers appointed by them, to the district court, by filing with the city clerk, within ten days after such decision shall be rendered, a bond, with security, in double the value of the property so claimed, to be approved by said clerk, conditioned for the payment of all the costs of said appeal, and to surrender the property to the city if so required by the district court. In any such condemnation of property, the same shall be done in accordance with any general laws, which now are, or hereafter may be in force on the subject. The mayor and common council shall have power to make all needful by-laws, ordinances, and regulations, not repugnant to the constitution or the laws of the United States, nor to the laws of this territory. They shall also have power to prescribe their own rules for doing business. They shall also have power to remove and prevent nuisances; to license, tax, and regulate auctioneers, tavern keepers, pedlars, hawkers, brokers, pawnbrokers, and money changers; to license, tax, and regulate wagons, carts and drays, and to fix the rates to be charged for the wagonage, cartage and drayage of property; to license, tax, regulate and restrain bar-rooms, theatrical and other exhibitions, shows and amusements; to license, tax, restrain, prohibit, and suppress billiard tables, tipling houses, gaming and gambling houses, and houses of ill fame; to erect market houses, estab-

lish market places, and to provide for the government and regulation thereof; to provide for the prosecution and extinguishment of fires, and to organize and establish fire companies; to establish and regulate a police night watch and patrol; to regulate the storage of gun powder, and other combustible materials, and the use of candles, lamps, or other lights, in shops, stables, and other places; and to regulate and prescribe the manner of building partition walls and fences.

SEC. 6. The city assessor shall proceed to assess the taxable property of the city under such regulations as may be prescribed by the council, and shall deliver a certified list of said property so assessed, to the collector. The city collector after receiving such list, shall proceed to collect the same, in the same manner that other taxes are collected, and all the laws and provisions regulating the assessment and collection of taxes under the general revenue laws, shall be followed in the assessment and collection of said city taxes so far as the same may be applicable, and not inconsistent with the ordinances of the city, passed in relation to the same subject matter.

SEC. 7. In case the taxes so assessed upon any property shall not be paid, and no other property of the owner can be found upon which to levy, the city collector shall proceed to make out a list of said delinquent property, and after advertising the same for four successive weeks, in some newspaper published in said city, shall sell at public auction the property so assessed, whether the same be personal property or real estate, or possessing interests in real estate, or of what nature soever it may be. In selling said real estate for taxes the same course shall be pursued as near as may be, which is or may be prescribed by law for the sale of property on execution.

SEC. 8. Should any person feel aggrieved by any assessment made by the city assessor, he may at any time before sale for taxes, apply to the common council to have the same reduced. If said council shall refuse to reduce such assessment, said owner or claimant shall give public notice of such refusal at the tax sale, and such refusal, if unjust, or oppressive, shall then be good cause for invalidating the sale of such property so unjustly assessed. In all cases, a deed shall be executed by the city in the manner hereinafter prescribed, to any purchaser at a tax sale, when the same shall be applied for, and such deed shall be *prima facie* evidence of the regularity and validity of all previous proceeding. Said deed may be invalidated by showing: First. That said property was not subject to taxation; or, Second. That the taxes on the same had been paid; or, Third. That said assessment is unjust or oppressive, and that application to reduce the same had been made to the common