

SPECIAL LAWS
OF THE
TWELFTH LEGISLATURE
OF THE
STATE OF TEXAS.

...
FIRST SESSION—1871.
...

BY AUTHORITY



AUSTIN:
PRINTED BY J. G. TRACY, STATE PRINTER.
1871.

services rendered by him he shall receive such fees as are allowed justices of the peace for similar services, and he shall have jurisdiction to try and determine all infractions or violations of the laws of the corporation, under such rules as may be prescribed by the council. He shall have power to issue such warrants and process as may be necessary to enforce his jurisdiction.

SEC. 9. The Governor shall appoint a mayor, aldermen, and marshal, of said corporation, who shall hold their offices respectively, until the next general election, or until otherwise provided by law; and it shall be the duty of the mayor and marshal to cause an election to be held annually thereafter, at least ten days before the expiration of their term of office, for the election of all officers herein provided for; and should said mayor and marshal fail or refuse to order any such election, then any five citizens of said corporation may order and hold said election after giving five days notice. All persons who reside within the corporate limits, and are entitled under the Constitution and laws of this State to vote, shall, under this charter, be entitled to vote at any election herein provided for, and the mayor shall have power to order elections to fill all vacancies that may occur by reason of death, resignation, and otherwise.

SEC. 10. That this act shall take effect and be in force from and after its passage.

Approved March 8, 1871.

CHAPTER VI.

AN ACT TO INCORPORATE THE TOWN OF MILLICAN, COUNTY OF BRAZOS.

Be it enacted by the Legislature of the State of Texas, as follows:

ARTICLE 1. That all that part of the county of Brazos, to-wit: Having for a centre point the store house of R. J. Shelton, and extending from there north, one mile; south, one mile; west, one mile; east, one mile; shall constitute the town of Millican.

ART. 2. That the inhabitants of the town of Millican, as the same extends and is laid out as above, and their successors be and are hereby constituted a corporation and body politic in fact and in law, by the name and style of the "Town of Millican," and by that name shall have perpetual succession, shall sue and be sued, im-

plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever.

ART. 3. That there shall be a town council, to consist of a Mayor and Board of Aldermen ; that the Board of Aldermen shall consist of five members, to be chosen for two years, by the qualified voters ; and no person shall be an alderman, unless he be a citizen of the State of Texas, and a bona fide resident of the town, and shall have resided within the town limits for six months preceding his election. That if any alderman shall, after his election, remove from the town, his office shall thereby be vacated. The town council shall judge of the election returns and the qualification of its members, and shall determine contested elections. The majority of the town council shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as they may prescribe. The town council may determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of three members, may expel a member. All elections of officers shall be governed by the general law of the State concerning elections, and no property qualification for voters shall ever be required.

SESSIONS OF THE TOWN COUNCIL.

ART. 4. That all ordinances of the town council shall be read on three different days ; and a majority of the votes of the town council shall be necessary to pass all ordinances ; and on the passage of all ordinances, the "yeas" and "nays" shall be recorded.

GENERAL POWERS OF THE MAYOR AND TOWN COUNCIL.

ART. 5. That the mayor and town council shall have power within the town, by ordinance : First—To make regulations for preventing the introduction of contagious diseases into the town. Second—To establish a hospital, and make regulations for the government thereof. Third—To make regulations to secure the general health of the inhabitants, and prevent and remove nuisances. Fourth—To erect a market house, and market place, and to provide for the government thereof. Fifth—To license, tax and regulate billiard tables, tippling houses, and dram shops, and to suppress gaming and gambling houses, and other disorderly houses. Sixth—To provide for the prevention and extinguishment of fires, and organizing and establishing fire companies, and to regulate and restrain the carrying on of manufactories dangerous in causing or

producing fires. Seventh—To establish standard weights and measures and to regulate the weights and measures to be used in the town, in all cases not otherwise provided by law. Eighth—To fix the compensation of the town officers, not otherwise provided for, and to regulate the fees of all jurors, witnesses, and others, for services rendered under this act, or an ordinance. Ninth—To regulate the police of the town, to impose fines, forfeitures and penalties, to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; *provided*, no fine shall exceed one hundred dollars, nor shall any term of imprisonment exceed fifteen days for any one offense. Tenth—To prevent the assemblage of idle persons at or near store house doors, whereby the trade of such store is interrupted, and also to prevent or restrain any riot, disturbance or disorderly assemblage in any street, house, or place in the town. Eleventh—To prevent and remove all encroachments upon all streets, lanes, avenues and alleys established by law, or ordinance. Twelfth—To exercise complete and perfect control over the common, and all property belonging to the town, real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of, either absolutely or within limitation, to any person or persons whomsoever, and generally to make such rules, regulations, by-laws, and ordinances for the purpose of maintaining the peace, good order and government of the "town of Millican," and the trade, commerce, and manufactures thereof, as the council may deem expedient, and as may not be repugnant to the laws and Constitution of the State; and to enforce the observance of said rules, regulations, by-laws, and ordinances, by inflicting penalties for the violation thereof, not exceeding one hundred dollars for any one offense, recoverable with costs in any action of debt, by and in the name of the "town of Millican," for the use of the town, before any court having cognizance of the same.

ART. 6. That the mayor shall be the chief executive officer of the town, and shall be elected by the qualified voters thereof, and shall hold his office for the term of two years. His salary shall be fixed by the aldermen of the town, but shall not, in any event, exceed the sum of five hundred dollars per annum and fees of office.

ART. 7. That there shall be a town marshal, whose duties shall be the same as those of other peace officers, and such other duties as may be prescribed by ordinances. The marshal shall be elected by the qualified voters of the town for the term of two years, and shall receive such salary, besides his fees in office, as the mayor and board of aldermen may, by by-law, determine.

ART. 8. That the mayor and the other officers of the corpora-

tion shall reside within the limits of the town during their continuance in office; and if the mayor shall cease to reside within the limits of the town, his office shall thereby be vacated. The mayor shall have the same jurisdiction as justices of the peace, within the limits of the town, in all State cases; he shall have jurisdiction over all cases arising under any ordinance of the town, subject to an appeal or writ of *certiorari*, in all cases, to the district court; and every such appeal shall be taken and granted in the same manner as appeals or writs of *certiorari* are taken and granted from the justice's court to the district court, under the general laws of the State. He shall charge in all cases the same fees as are now allowed to justices of the peace for the same kind of services, which fees shall be charged and collected as other costs; and he shall act as president of the board of aldermen.

ART. 9. The mayor shall be authorized to procure a seal for the use of his office, on which shall be engraved "Town of Millican, Mayor's Office."

ART. 10. That from and after the passage of this act it shall be unlawful to fire any pistol, rifle, shot gun, or other kind of firearms, within the limits of the town of Millican, and any person violating this act shall be fined not less than five nor more than twenty-five dollars, to be collected by the mayor of the town; but this act shall not prevent any gunsmith within the limits of the town from discharging on the premises thereof firearms made or repaired in his shop, for the purpose of training such firearms; *provided*, that none but gunsmiths shall have the privilege of being authorized to discharge firearms, and for that purpose each gunsmith shall build a rock wall, in front of which he shall cause a target to be placed. The mayor shall issue a permit to any gunsmith applying for the same for the period of one year, which permit may be renewed after its expiration.

ART. 11. That it shall not be lawful for any person to establish a slaughter house within the corporate limits of the town without the permission of the town council, nor shall it be lawful for any person to slaughter any butcher's meat of any kind within said corporate limits, except for the use of the person so slaughtering. Any person or persons so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten dollars for each offense.

ART. 12. That this act shall take effect from and after its passage, and shall be subject to the provisions of an act entitled "An act to authorize the Governor to appoint certain officers to fill vacancies," approved June 28, 1870.

Approved March 13, 1871.