

# L A W S

OF THE

## STATE OF MISSISSIPPI,

PASSED AT A

REGULAR SESSION OF THE LEGISLATURE,

HELD IN THE

CITY OF JACKSON,

COMMENCING JANUARY 8, 1884, AND ENDING MARCH 15, 1884.

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1884

## CHAPTER CCCXC.

AN ACT to amend and reduce into one act the act incorporating the City of Columbus, and the several acts amendatory thereto.

## BOUNDARIES.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the limits and boundaries of the City of Columbus shall hereafter be as follows, to-wit: Beginning at the northeast corner of section (16) sixteen, in township (18) eighteen, south of range eighteen west, and running from thence west along the line of said section to the northwest corner thereof, thence south with the western boundary line of said section to a point where the same is intersected by Moore's Creek, thence down said creek to a point opposite the west end of Military street, thence in a westerly direction so as to strike the Tombigbee river one hundred yards above the mouth of said creek, thence across said river to its western bank and up said bank to a point twenty (20) feet above low water mark, thence along said bank following the meanderings of said river and maintaining the same distance of twenty (20) feet above low water mark to a point opposite the northwest corner of the south half of fractional section (20) twenty, township (18) eighteen of range (18) eighteen west, thence due east to the eastern boundary of section (21) twenty-one of same township and range, thence north with the eastern boundary line of sections (21) twenty-one and (16) sixteen to the place of beginning. And all the laws and ordinances now in force or which may hereafter be passed for the government of said city by the corporate authorities thereof shall extend and be in force over the territory herein declared to be the corporate limits of said city.

SEC. 2. Be it further enacted, That the inhabitants of said city as above defined, and their successors forever, be and they are hereby created a body politic and corporate with perpetual succession, by the name and style of "The Mayor and City Council of the City of Columbus," and by that name may sue and be

Corporation  
boundaries.

Style of corpora  
tion.

sued, plead and be impleaded in any court of law or equity ; may contract and be contracted with ; may acquire by purchase or otherwise, and hold, real, personal and mixed property, for the use of said corporation, and may sell and dispose of the same for the benefit of said city ; may have and use a common seal and change the same at pleasure, and have and exercise all the powers, rights and privileges usually appertaining to bodies corporate and politic of like character, as well as those powers, rights and privileges, herein expressly conferred upon said corporation, or necessary or convenient for the full exercise and enjoyment of such powers, rights and privileges, or to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation and to promote the interest of said city.

Powers and privileges.

SEC. 3. Be it further enacted. That all property owned and held by said city, for the use and benefit thereof shall be and remain exempt from all taxation.

City property exempt from tax.

SEC. 4. Be it further enacted, That the Mayor and City Council of the City of Columbus, herein constituted, shall be and are hereby made the successors in law to "The Mayor and Aldermen of the City of Columbus," and shall succeed to all property, rights and claims of said mayor and aldermen, and be subject to all liabilities and charges now existing against said mayor and aldermen, and said mayor and city council shall have and exercise all powers and perform all duties conferred upon or required of said mayor and aldermen by any law of this State.

Successors to mayor and aldermen.

SEC. 5. Be it further enacted, That the present mayor and aldermen of said city, shall continue to act as the corporate authorities of said city, and are hereby declared to be the mayor and city council of the city of Columbus, with full power and authority to exercise the rights and privileges, powers and authority conferred by this act until their successors shall be duly elected and qualified as provided herein, and all ordinances, rules, regulations and municipal by-laws now in force in said city shall con-

Present mayor and aldermen.

tinue and remain in force until amended, abrogated or repealed by the mayor and city council.

Six separate wards.

SEC. 6. Be it further enacted, That as soon as practicable after the passage of this act and before the next election of mayor and city council for said city, the mayor and city council shall cause the territory of said city to be laid off and divided into six (6) separate and distinct wards, approximating numerical equality as near as may be practicable; and the mayor and city council of said city shall have power to change the boundaries of said wards whenever change of population shall render it in their judgment necessary to keep the several wards as nearly equal numerically as may be practicable.

Election of mayor and city council.

SEC. 7. Be it further enacted, That an election for a mayor and six councilmen of said city shall be held in said city at such place as may be designated by the mayor and city council thereof, as hereinafter provided, on the first Monday of December, 1884, and every two years thereafter. Each of the six wards into which the said city shall be divided, shall be entitled to one representative in said city council; which representative shall be a resident of the ward he is elected to represent. Said mayor and all of such councilmen shall be elected by general ticket, and all male inhabitants residing in the corporate limits above defined, who are qualified voters under the Constitution of this State, and who have been bona fide residents of said city for three months next preceding any election held under this act, at which such inhabitant offers to vote, and who are duly registered as provided herein, are declared to be qualified voters of said city at such election.

One councilman for each ward.

SEC. 8. Be it further enacted, That the mayor and the councilmen herein provided for shall be elected at the same time by the qualified voters of said city, and such election shall be so conducted that each ward shall have a representative in said city council and not more than one. Any person who is a qualified voter of said city, shall be eligible to any office of

profit or trust therein, except that no person shall be eligible to be elected to the office of councilman, who has not been a bona fide resident of the ward to represent which he is elected, for at least three months next preceding his election. The mayor and councilmen elected under this act shall hold their respective offices for two years, and until their respective successors shall be duly elected and qualified. They shall each before they enter upon the discharge of their respective duties take the oath of office prescribed by the Constitution of this State. The term of office of such mayor and councilmen shall commence on the first Monday of January next following their election.

Office  
years

Oath of office.

SEC. 9. Be it further enacted, That the mayor and city council shall designate one public place for holding the election for mayor and councilmen, or for any election in said city. They shall provide a ballot-box in which the votes of the qualified voters shall be deposited; the mayor and city council shall appoint three judges and two clerks to hold any election in said city, who shall be sworn by the mayor or one of the councilmen, faithfully, fairly and impartially to discharge their respective duties, and all laws of this State providing for the punishment of officers of elections for misconduct shall apply to and be enforced against judges and clerks of any election held in said city; all elections shall be by ballot, and shall be ordered by the mayor and city council for the time being, whether the same be a regular election as herein provided for, or an election to fill a vacancy or a special election for any purpose whatever; and notice of all elections shall be given, signed by the mayor, by publication in one or more newspapers published in said city, or by posters posted in not less than three (3) public places in said city, or both, as may be ordered by the mayor and city council, for not less than ten (10) days prior to said election; the person having the highest number of votes cast for mayor, shall be elected mayor, and the qualified person having the highest number of votes cast for councilman of the respective wards, shall be

One place for  
holding election

Judges and  
clerks.

Shall be by bal-  
lot.

Notice of elec-  
tion.

Certificate of  
election.

declared elected as councilman from each ward; and they shall respectively receive a certificate thereof, signed by the judges and clerks of such election or a majority of them; the mayor shall be commissioned by the Governor on presentation of such certificate to the Secretary of State, as mayor and judge of the mayors' court of the city of Columbus.

Registration of voters.

SEC. 10. Be it further enacted, That the mayor and city council shall have full power and authority to provide for the registration of all qualified voters of said city, and of the respective wards thereof, and may appoint a board of registration consisting of three suitable persons, all of whom shall not be of the same political party; the persons so appointed shall have power to administer oaths, and to determine whether any person offering to register is a qualified voter, and no person shall be permitted to vote who is not registered in the manner provided by said mayor and city council; any one entitled to be registered as a voter in said city shall be so registered upon taking the oath prescribed by article seven (7) and section three (3) of the Constitution of this State, and further making oath that he has been a resident of said city for three (3) months

Mayor's court.

SEC. 11. Be it further enacted. That there shall be and is hereby established in said city of Columbus, a court to be known as "The Mayor's Court of the City of Columbus." to be held and presided over by the mayor of said city; said court may be held every day (except Sundays) or as often as the interests of said city may require; said mayor shall have jurisdiction to hear and determine, without a jury, all alleged violations of the ordinances of said city, whether such offence be also punishable as an offense against the State or not; and to fix and adjudge the punishment of all persons by him found guilty of such violations of city ordinances by fine or imprisonment, or by both such fine and imprisonment within the limits fixed by the ordinances of said city, and to cause all orders, judgments and sentences of said court to be executed either by the city marshal or any police officer of the city, or by

Jurisdiction of mayor.

the sheriff or any constable of the county of Lowndes; he may issue all process which may be necessary to procure the attendance of parties, witnesses or others, and cause the same to be executed by any of the officers aforesaid; may administer oaths and take all necessary bonds or recognizances in sums not exceeding one hundred and fifty dollars, with such sureties as he may deem necessary to ensure the appearance of parties and witnesses, and may proceed on such bond or recognizance in case of forfeiture as in like cases before justices of the peace, the proceeds of such forfeiture to be paid into the city treasury for the use of said city; said mayor shall also be a conservator of the peace and may hear and dispose of any offense committed against the criminal laws of this State within the supervisor's district in which said city is located; and as to criminal offences against the laws of the State, he may exercise all powers conferred by law upon justices of the peace, and from his decisions in matters against the criminal laws of this State, appeals may be had as in like cases before justices of the peace; said mayor shall have power to punish by fine not exceeding fifty dollars, or by imprisonment not exceeding three (3) days, any person who shall be guilty of any contempt of said court; said court shall have all such powers as are usually incident to courts of like character or necessary to carry out the full purposes and objects of this act.

General powers  
of mayor

Appeals.

Contempt.

SEC. 12. Be it further enacted, That any person who shall be convicted by said mayor for the violation of any ordinances of said city, shall be entitled to an appeal to the circuit court of said county, upon giving bond with security, to be approved of by said mayor, payable to "the city of Columbus" in a penalty of not exceeding two hundred dollars, conditioned for the appearance of the appellant at the next term of the circuit court, and for the payment of such judgment as said circuit court may render against him, and such appeal and bond shall operate as a supersedeas from the time of giving such bond.

Appeal to cir-  
cuit court.

SEC. 13. Be it further enacted, That all pro-

Papers to be  
filed with clerk.

visions contained in section 2357 of the Revised Code of Mississippi shall be applicable to appeals from said mayor.

If circuit court  
gives judgment  
for city.

SEC. 14. That appeals to the circuit court shall be tried as appeals from justices of the peace in criminal cases are tried, and upon conviction said circuit court shall render judgment in favor of the city for the amount of the fine imposed by the mayor, with 10 per cent. damages and all costs, which judgment shall be against the appellant and the sureties on his appeal bond, and if the judgment of the mayor shall have been that the appellant be imprisoned, the circuit court shall order the appellant to be delivered by the sheriff of said county to the city marshal or some police officer of said city, to be imprisoned according to such judgment.

If appellant  
fails to appear.

SEC. 15. Be it further enacted, That if such appellant shall fail to appear in the circuit court according to the condition of his bond, a forfeiture shall be entered and enforced as in criminal cases in said court, which forfeiture shall be for the benefit of said city, and the proceeds shall be paid to the proper authorities thereof.

Chief executive  
officer.

SEC. 16. Be it further enacted, That the mayor of said city shall be its chief executive officer, and shall have all the powers and perform all the duties usually incident thereto; he shall have authority to call meetings of the city council whenever he may deem it necessary for the public interest, and shall preside at all meetings of said council at which he shall be present, and when there shall be an equal division in the city council he shall give the casting vote. The mayor shall see that all ordinances, rules and regulations for the government of said city are faithfully executed; he shall lay before the city council from time to time such matters as he may deem the welfare of the city requires; he shall have power to fine any member of said council not exceeding twenty dollars for improper or disorderly conduct at any meeting thereof; he shall have power to veto or disapprove any ordinance, rule or order adopted by said city council, whenever he may deem the same inconsistent with this act, or

General powers  
and duties of  
mayor.

Veto ordinance.

against the interest of the city, and in such case, such ordinance, rule or order shall not go into effect or be valid unless again adopted by two-thirds of said council, to be recorded on its minutes; he shall have power to punish by fine, not exceeding fifty dollars, or imprisonment not exceeding twenty-four hours, any person or persons, for any improper conduct in presence of, or for any disturbance of said council; he shall have power whenever he thinks the public welfare requires, to temporarily increase the police force by appointing additional policemen, and he may suspend from duty any policeman whenever he thinks it necessary, reporting such appointments or suspension with his reasons therefor to the city council as soon as practicable.

May increase police.

SEC 17. Be it further enacted, That the city council, at its first meeting after election, or as soon thereafter as practicable, shall designate some member of said city council to be president thereof pro tempore, who during the absence of the mayor, shall preside at all meetings of said council and have all the powers and discharge all the duties of mayor of said city during the absence of that officer, or while the office of mayor shall be vacant, and he shall receive such compensation therefor as the city council shall determine, payable out of the city treasury; and any sum so paid to him over and above one hundred dollars in any one year shall be deducted from the salary of the mayor.

President pro tempore.

SEC. 18. Be it further enacted, That in case the mayor of said city shall die or resign his office or remove beyond the limits of said city, or in case any councilman shall die or resign or remove beyond the limits of the ward to represent which he is elected, or if said mayor or any councilman shall accept any other office in this State, the office of such mayor and councilman shall thereby become vacant, and the city council shall at once cause an election to be held by the qualified voters of the city to fill such vacancy; which election shall be conducted as other elections herein provided for, and the person elected shall be entitled to hold

Vacancies, how filled.

If vacancy  
occurs one  
month before  
election.

the office to which he is elected for the balance of the unexpired term of the office so dying, resigning, removing or becoming disqualified; provided, that if any such vacancy shall occur within one month before the time fixed by this act for the election of mayor and councilmen said mayor and city council shall not order a special election to fill such vacancy.

Salary of mayor

SEC. 19. Be it further enacted, That the salary of said mayor shall be one thousand dollars per annum, and shall be payable monthly out of the city treasury, and for all criminal matters, of which he shall take cognizance under the criminal laws of this State, he shall be entitled to such fees as are allowed by law to justices of the peace.

Other city  
officers.

SEC. 20. Be it further enacted, That there shall be elected or appointed by said mayor and city council some suitable person, who shall be secretary and treasurer of said city, also a city marshal, who shall be city inspector of provisions, weights and measures; a street commissioner, a sufficient number of police to preserve the peace, keep good order and enforce the ordinances of said city. The mayor and city council may appoint any other officers deemed by them necessary for the public welfare, and said council shall have power to remove from office at their pleasure, any officer appointed or elected by them, and they shall prescribe the duties of such officers, except as fixed by this act, and fix their compensation and change the same as they may see fit; provided, the city marshal shall not receive more than six hundred dollars per annum, nor the secretary and treasurer more than three hundred dollars per annum. They may also require any and all officers appointed by them to enter into bond with security in such sums, and with such sureties as they shall designate, which

May remove  
officer.

Salaries.

Officers' bonds.

bonds shall be payable to the city of Columbus and shall be conditioned as said council may require; such bonds shall be filed and recorded in the office of the chancery clerk of Lowndes county, after approved by said council, and said mayor and city council shall have authority to bring suit on any such bonds, for breach

thereof, in any court of competent jurisdiction; all officers of said city shall take the oath of office provided by the Constitution of this State. Said mayor and city council shall annually license a sufficient number of reputable and responsible persons as public weighers, who shall take an oath to weigh all cotton and other commodities, which they may be called upon to weigh, faithfully and impartially, and enter into bond with sureties to be approved by said mayor and city council in the penal sum of five hundred dollars, conditioned for the faithful discharge of their duties, and they shall pay for such license the sum of two dollars and fifty cents per annum; such bonds shall be payable as other bonds provided for in this section, and may be sued upon in the name of said mayor and city council for the use of any aggrieved person; and no person not so licensed shall be allowed to collect any fees for any service he may render as a public weigher.

Public weigher.

SEC. 21. Be it further enacted, That the city marshal elected by said council shall have such authority and powers in any part of Lowndes county as are now conferred on constables, or which may be hereafter so conferred by the laws of this State, and he shall be liable to the same penalties as constables for all neglect of duty, or for failure to pay over money collected; said city marshal shall be the assessor and collector of all taxes, and the collector of all licenses, fines or other moneys due, owing or payable to the city; said city marshal and the police officers of said city shall execute all ordinances, rules and regulations adopted by the board of mayor and city council, and shall execute all process and obey all orders issued by the mayor of said city; said city marshal shall have general superintendence of the police and of the city prison, and perform all duties which may be required of him by said mayor and city council.

As to city marshal.

SEC. 22. Be it further enacted, That the city marshal and all police officers of said city shall have power to arrest all violators of the ordinances of said city, with or without warrant, and take them before the mayor for trial,

Violations of ordinances.

and should the mayors' court not be in session, persons so arrested may be held until they can be brought before said mayor not exceeding twenty-four hours, except that such persons may be held from Saturday until Monday; all police officers of the city shall have all the authority conferred by law upon any officer to make arrests for violations of the criminal laws of this State, or to prevent such violations, and no officer, who, in the discharge of his duty, shall make an arrest authorized by this act or by any ordinance of said city shall be liable on account thereof, civilly or criminally, notwithstanding it may turn out that the party arrested was innocent of any offense; nor shall said city or said mayor and city council be in any way liable therefor; and any police officer of said city may pursue any offender against any ordinance of said city or against the criminal laws of this State, beyond the limits of said city, and take them back to said city for trial; provided, such officer shall not pursue such offender beyond the limits of the supervisor's district in which said city is situated without the consent of the mayor.

May pursue offender.

Resisting officers.

SEC. 23. Be it further enacted, That if any person shall resist, assault, strike or molest, or in any manner interfere with any police officer of said city while on duty, as such police officer, or shall aid any person who has been arrested by any policeman to escape, or who shall knowingly aid any person who has violated any ordinance of said city to escape before arrest, such person shall be guilty of a misdemeanor, and may be punished therefor, as an offence against the State of Mississippi, and upon conviction, may be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 24. Be it further enacted, That the mayor and city council of said city shall have power by ordinance—

FIRST.—To levy and cause to be collected, taxes on every description of property whatsoever, whether real, personal or mixed, includ-

ing shares in the capital stock of all banking institutions and other corporations (provided, that where a tax is paid on the capital stock by the corporation itself, the share-holders shall not be subject to the same tax;) all capital invested in any business enterprise or undertaking, whether by individuals or corporations of the average of each year; all money loaned at interest by any citizen of said city, whether it be loaned in the limits of the city or elsewhere, and all solvent credits, owing to any citizen of said city, which shall not exceed one per cent. on the value of such property in any one year, for the purpose of defraying the general expenses of the government of said city.

Power to levy taxes.

SECOND.—To levy and cause to be collected upon any property as aforesaid, a special tax for any specific purpose, which may be specially designated by said mayor and city council for the benefit of said city, not exceeding one-half of one per cent. on the value of the taxable property in any one year; provided, that before any such special tax shall be levied, the same shall be consented to by a majority of the legal voters of said city, voting at an election ordered for that purpose.

Special taxes.

THIRD.—To levy and cause to be collected, such other special tax upon all the property in said city hereinbefore mentioned as shall be necessary to pay the annual interest of the bonds of said city heretofore issued to the Columbus, Fayette & Decatur Railroad Company, and to provide such sinking fund as said mayor and city council shall deem necessary to meet the payment of the principal of said bonds at the maturity thereof, provided, that no such sinking fund shall be created before the year A. D., 1892, and they may use the same in the purchase of such bonds before maturity; all taxes assessed upon real or lease-hold estate or personal property shall bind the same and be entitled to preference over all judgment, executions, encumbrances or liens whensoever created, and all taxes assessed shall be a lien upon and bind the property assessed from the first day of February of each year in which the assessment shall be made. All taxable property

Railroad tax.

brought into said city or acquired or held by any person before the assessment of taxes shall be completed, shall be taxed for the current year.

Assessment of property.

FOURTH.—To provide for and prescribe the mode of assessing the taxable property in said city, and fix the time when such assessment shall be made and completed, and require by ordinance, all persons who reside in said city, to furnish a list of their taxable property to the assessor under oath, which oath the city marshal is authorized to administer as is provided by section 479 of the Revised Code of 1880, for the assessment of State taxes, and may provide by ordinance for the punishment of a neglect or refusal to furnish such list, by fine not exceeding one hundred dollars, or by imprisonment, or both.

Objections to assessments

FIFTH.—To fix some day, not less than thirty days after the time fixed for the completion of such assessment, to hear objections to the assessment, which objections shall be made in writing and to examine the same, and to give notice by publication in some newspaper published in said city, or by posting notices in three or more public places in said city, of the time and place fixed for such hearing and examination, and at such time and place, they shall hear all objections, and shall have power to approve, change or correct, increase or diminish such assessment, as shall be proper to show as near as may be, the property taxable to each person, and the value thereof, and to equalize the assessment and when the assessment roll shall have been examined and corrected by the mayor and city council, it shall be conclusive and final as to the assessment contained therein, and either the original of said assessment rolls or a copy thereof, to be made by the city marshal or the secretary and treasurer of said city, shall be delivered to the city marshal as his warrant and authority for the collection of such taxes, and for making sales provided for in this act.

When assessments are final.

Collection of taxes.

SIXTH.—To prescribe the time when said city marshal shall begin to collect the taxes levied by them, and within what time all such taxes shall be paid, with power to extend the same,

and all taxes not paid on or before the day fixed by the said mayor and city council as the limit within which taxes shall be paid, shall be collected by the city marshal by distress and sale of any personal property liable therefor, which sale shall be made as provided by section 511 of Revised Code of 1880.

SEVENTH.—To provide that an additional sum not exceeding ten per cent of the amount of taxes assessed against any individual or property, shall be collected in addition to the amount of the taxes due as a penalty for not paying taxes within the time fixed by said mayor and city council, which additional sum shall be collected as the amount due for taxes is collected; and no property shall be exempt from distress or sale for the taxes or damages aforesaid.

Damages.

EIGHTH.—To provide the time when any real estate or lease hold property in said city shall be sold for the non-payment of taxes on such property or for any other taxes due from the owner of such real or lease-hold estate, not less than twenty (20) days after the time within which taxes are required by said mayor and city council to be paid shall have expired, and at the time fixed by said mayor and city council, if the taxes and such damages as shall have been fixed by said mayor and city council, shall remain unpaid, the city marshal shall proceed to sell the real or lease-hold estate of such delinquent tax payers, or so much and such parts thereof as will pay the amount of taxes due by him and all damages fixed as aforesaid, and all costs and charges to the highest bidder for cash; such sale shall be made at the office of the mayor of said city, and shall be advertised at least ten (10) days before making such sale by publication in any newspaper published in said city, or by written or printed posters posted in three or more public places in said city, and said sale may be continued from day to day within the hours of sheriff's sales until completed; the said city marshal shall make to the purchaser at such sale a deed of conveyance, substantially like the deed prescribed by section 525 of Revised Code of Mississippi, to

Sale of real estate for taxes.

Notice of sale.

Tax collector's deed.

May redeem  
within one  
year.

Failure to  
redeem.

be made by tax collectors of State and county taxes; and such conveyance shall vest in the purchaser or purchasers a perfect title to the property sold for taxes, damages or costs, subject to the right of redemption, and such conveyance shall be prima facie evidence in all courts that the assessment and sale of the property was legal and valid; and such conveyance shall only be invalidated for the same causes or grounds that a State and county tax collector's conveyance may be; such conveyance shall be left by the city marshal with the secretary and treasurer of said city, where it shall remain for one year from the day of sale, during which time any person interested may redeem the same by paying the amount for which such property was sold, with twenty-five per cent damages for the benefit of the purchaser. In case the same is not redeemed within the time above mentioned, the title in the property shall vest absolutely in the purchaser, and the secretary shall deliver such conveyance to the purchaser; and in case the property is struck off to the city of Columbus, which the city marshal shall do in case the full amount of all taxes, damages and costs is not bid and paid, the title to the property on failure to redeem shall vest absolutely in the city, and the same may be used, disposed of, or conveyed as the mayor and city council shall by ordinance or resolution direct. If sufficient real or leasehold estate or personal property cannot be found of which to levy and collect the taxes assessed to any person and not paid, the city marshal shall have all the powers conferred on the collector of State and county taxes to sell any indebtedness owing to the person liable for such taxes; and the city of Columbus or its vendees, or any purchaser at any sale for city taxes, shall have all the rights, liens, protections and remedies given by law to the State or its vendees or to any purchaser at a sale for State and county taxes.

NINTH.—To levy and collect taxes on all privileges taxable by the laws of this State, and upon the privilege of carrying on, engaging in or practicing any other trade, business, profes-

sion, occupation or calling in said city, and to license, tax and regulate every profession, trade, occupation, business, calling or means of living, as well as the capital invested or used therein, which may be practiced, engaged in or followed by any person or persons in said city, and for good cause to revoke such license; provided, that the tax imposed upon privileges which are taxed by the laws of this State shall not exceed fifty per cent of the State tax on the same privilege; and they may provide the mode of collecting any tax or license imposed by them, and may punish the carrying on or engaging in or practicing any business, trade or occupation so taxed without having first paid the tax or license imposed either by fine not exceeding double the amount of such tax, or imprisonment, or both, and may provide that each day that such ordinance is violated shall be a new and separate offence and punishable as aforesaid; and all contracts made with any person with reference to any business upon which a privilege tax is imposed and has not been paid, shall be void so far only as the person carrying on such business without paying such tax shall base any claims upon them.

Tax on privileges.

TENTH.—To license and tax transient vendors, traders, peddlers, dealers, drummers or commercial agents, and to fix the amount they shall pay for the privilege of selling their wares or carrying on their trade or business in said city; and may levy and collect in addition thereto, a tax upon the gross amount of their sales not exceeding one per cent; and may provide the mode of collection of said tax and license by distress and sale or otherwise.

Commercial agents.

And the mayor and city marshal shall have all the powers conferred by sections 580, 581, 582, 583 and 584 of the Revised Code of this State upon the officers named therein for the collection of such license and tax.

Code powers conferred.

ELEVENTH.—To levy a uniform tax on all foreign corporations, including insurance, express and telegraph companies, as a condition upon which they may do business in said city, and to punish all persons who shall represent such corporations, for carrying on the business

Tax on foreign corporations.

of such corporation without paying such tax in the manner hereinbefore provided for, the non-payment of taxes or privileges.

City expenses. TWELFTH.—To appropriate money and provide for the payment of the expenses of said city, for the purposes authorized by this act, and as may be required for the maintenance thereof, or for any purpose for which they may lawfully expend money.

Fire companies. THIRTEENTH.—To organize and establish a fire department and to keep up and maintain the fire department now existing, to organize fire companies and to provide in all respects for the equipment and government of the same; provided, however, that nothing in this act contained, shall in anywise affect or impair the charters heretofore granted to any fire company or hook and ladder company in said city, or the privileges in such charters conferred; to punish any interference with such department or its officers when on duty, and all active members of the fire department of said city shall be exempt from street tax and jury duty.

Fire limits. FOURTEENTH.—To establish fire limits and to prevent, regulate or restrain the erection of wooden buildings or additions thereto within such limits.

Dangerous manufactures. FIFTEENTH.—To regulate and prevent the carrying on of manufactures or other business dangerous in causing or producing fires, in the business part of said city.

Storage of combustibles. SIXTEENTH.—To regulate and prevent the storage of cotton, hay, gun powder, oil or any other combustible, explosive or inflammable material or substance; or of any material or substance offensive to public comfort or injurious to health.

Water works. SEVENTEENTH.—To provide the city with water for the use of the fire department and the citizens, by water works within or beyond the boundaries of said city, or in such manner as they shall deem best, to build or construct all necessary reservoirs, cisterns, hydrants or other structures they deem necessary; and to do all acts necessary or convenient to accomplish the purpose aforesaid.