

1895

# AN ACT

—TO—

## Incorporate the City of Houston

And Grant a New Charter to the said City of Houston.

Section 1. Be it enacted by the legislature of the State of Texas: That all the inhabitants of the city of Houston shall be a body corporate, to be known hereafter by the name of the City of Houston, and by that name it shall hereafter by known in law, and shall be capable of suing and being sued, and defending in all courts in all matters whatsoever; and may have a common seal, and may alter and change the same at pleasure; may own, hold and convey any estate, real or personal, for the use of said corporation, for any purpose whatsoever, both within the limits of said city and without the limits of the same, in Harris county, Texas.

Sec. 2. That the bounds and limits of said corporation shall be three miles square, to be run with the cardinal points of the compass, of which the center of the courthouse square in the City of Houston shall be the center.

Sec. 3. That the city council may divide the city into a convenient number of wards, not less than three, nor more than twelve, and define and establish the boundaries thereof, and may change the same, from time to time, as may be deemed expedient.

Sec. 4. That each ward in the city may be divided into as many sections and as many polling places as may be prescribed in said sections as the city may see fit and proper; and each ward in the city shall be represented in the city council by two aldermen, who shall hold office for two years and until their successors are elected and qualified; said aldermen shall be elected by the qualified voters of the ward for which they stand, and all voters shall have resided in such ward at least thirty days next preceding any election. And no person shall be competent to fill the office of alderman unless at the date of his election he be

a qualified voter of the city and of said ward, and a freeholder owning real property in said city and ward, and shall have resided in said ward two years next prior thereto. Should any alderman remove from his ward during the term for which he was elected, his office shall thereupon become vacant, and the council shall order an election in said ward to fill such vacancy.

Sec. 5. That the administration of the business affairs of said corporation shall be conducted by a mayor and board of aldermen, consisting of two aldermen from each ward, who shall compose the city council.

Sec. 6. All qualified electors of the State who shall have resided for six months immediately preceding the election within the limits of said city, shall have the right to vote for mayor and all other elective officers of said city; but in all elections to determine the expenditure of money or the assumption of debt, only those shall be qualified to vote who pay taxes on property in said city; and no person shall be allowed to vote in a city election until he shall first show that he has paid his poll tax to the City of Houston due at the time of said election by exhibiting to the judge of the election his receipt therefor.

Sec. 7. That the mayor shall be elected by the qualified voters of the city, and shall hold his office for the term of two years, and until his successor is elected and qualified. No person shall be mayor unless he is a qualified elector of the city. He shall be a conservator of the peace throughout the city. He shall have power, by and with the consent of the city council, to appoint any number of policemen on any special occasion that he may deem

necessary to preserve the peace of the city, and to discharge the same at pleasure. He shall have power, in case of necessity, to call out the militia, or any military company in the city, to aid in the suppression of any riot or public disturbance. He shall be active and vigilant in enforcing all laws and ordinances for government of the city and he shall cause all the subordinate officers to be dealt with promptly for any neglect or violation of duty. He shall preside at all meetings of the council when present, and in case of a tie vote in the board of aldermen he shall give the casting vote.

He shall have the power to veto any resolution, by-law ordinance, motion or order passed by the council, in the following manner: He shall give notice of his veto at the same meeting in which said action was had, which shall be entered upon the minutes. At the next regular meeting he shall furnish to the council his reasons, in writing, and unless the council shall pass such law, ordinance, etc., over his veto by a vote of two-thirds of the aldermen present, taken by "yeas and nays," and entered upon the journal of the council, the same shall be inoperative. He shall have no exercise such power and authority as may be conferred by the city council, not inconsistent with the general purposes and provisions of this charter.

Sec. 8. That regular meetings of the city council shall be held in the council chamber at least twice in each month, at such times as may be fixed by resolution of the board, and the mayor, of his own motion, may call special meetings for the transaction of special business by written notices served personally upon each member of the board, or left at his usual place of abode. Any three members of the board may, in like manner, call special meetings of the council; but no special meetings shall be called except in cases of urgent necessity, and the written notices served upon the members of the board shall state the object and purpose for which the meeting is called. General business shall only be transacted at the regular meetings. The city council may adjourn from day to day, until the business properly coming before it is disposed of.

That a majority of the whole number of aldermen elected and qualified shall be required to constitute a quorum, but any four aldermen may convene and compel the attendance of absent members on any day of regular meeting, requiring the city marshal or other police officer to arrest and bring in the absent members. That the city council shall adopt rules and regulations for the government of the council in its proceedings, and the order for the transaction of business before it.

It shall be the judge of the qualifications and election of members of the council, including the mayor.

It may punish members or other persons during the sittings of the council for disorderly conduct, to the extent that it may

fine and imprison, by its by-laws and ordinances. And with the affirmative vote of two-thirds of the whole number of aldermen elected and qualified, the council may remove any officer of the city for any conduct or offense which in the opinion of the council, expressed by the two-thirds vote aforesaid, shall render him unfit to hold his office; but no officer shall be removed until he shall have had the opportunity of being heard by himself or counsel, or both; and in the investigation of any complaint under this section the council may subpoena and examine witnesses, under the usual rules for taking testimony.

That the meetings of the council shall be held with open doors, except when, by a vote of two-thirds of the members present, it may be deemed expedient upon a special question to deliberate with closed doors.

Sec. 9. That whenever it shall be necessary so to do, the board of aldermen shall, by ballot, elect a member of their own body to act for a designated period as mayor pro tem., who, for the time, shall have and exercise all the powers and authority of the mayor.

That in case of a vacancy occurring in any office elective by the qualified voters of the city the council shall fill the vacancy by appointment for the unexpired term, except alderman.

Sec. 10. That there shall be elected by the qualified voters of said city of Houston a mayor, city attorney, city treasurer, assessor and collector of taxes, health officer, city marshal, street commissioner, market master, city scavenger and a city recorder, who shall hold their respective offices for two years, and until their successors are qualified, unless sooner removed by the city council: Provided, that the present officers of said city shall hold their offices until the next election of city officers, as prescribed by the ordinances now in force. The assessor and collector may appoint one or more deputies, for whose conduct he shall be responsible, and deputy or deputies shall have power to perform any act which may be performed by the assessor and collector in person.

Sec. 11. The mayor shall appoint a superintendent of schools and a city secretary, whose appointments shall be confirmed by the city council, who shall hold their respective offices for two years, and until their successors are qualified, and shall perform such other duties as may be prescribed by the city council.

Sec. 12. The mayor, with six citizens of the City of Houston, three of whom shall be appointed each year by the mayor and confirmed by the council, shall constitute the board of public school trustees of said city.

Sec. 13. That the recorder of said city shall exercise such jurisdiction as may

be prescribed by the city council, not inconsistent with the constitution and laws of the State, and such as may be conferred by the general laws on mayors and recorders; but when any person has been tried before a justice of the peace for any offense committed in said city against a general law, such person shall not be tried again for the same offense before said recorder. The rule of procedure in counts of justices of the peace in criminal matters shall govern the recorder's court in all matters in practice, and appeals may be taken from his decisions in a like manner. In the absence of the recorder, or in case of his inability to hold his court, the mayor of said city shall hold the same, and the acts and judgments of such mayor shall have the same force and effect as those of the recorder. The recorder shall have full power, authority and jurisdiction in all cases arising under the ordinances of said corporation, and over any breaches and violations thereof, and of any and all persons thus offending, and to try and determine all suits and actions and complaints charging a violation of any ordinance of said city; and may grant new trials on motion in writing, showing sufficient cause, and duly sworn to. The recorder may require of any person arrested under the provisions of this act, a bond for his or her good behavior, and to keep the peace, and two good and sufficient sureties, which bond shall be payable to the City of Houston. He shall have full power and authority to issue subpoenas for witnesses and to compel their attendance by process of attachment. He may punish all contemptsbys fine and imprisonment, or either; may issue subpoenas, writs of capias, warrants of arrest, executions, and all other process known to the law, which a justice of the peace of this State may lawfully issue, and all of said writs and process shall be issued, served and executed under the same form and in the same manner as the like process would be when issued by a justice of the peace, unless herein otherwise provided. He shall have full power and authority to administer official oaths and all other oaths or affirmations and to give certificates thereof. The recorder shall be ex-officio justice of the peace, and shall possess and execute, in criminal cases, all the powers and duties of such officer and shall have the same authority and like powers with justices of the peace in the prevention and suppression of crime, and shall be entitled in the trial of State cases to the same fees that are allowed justices of the peace, to be collected in the same manner as the fees of justices of the peace; provided, that in no cases shall he entertain jurisdiction in civil cases. The city council may determine what costs shall be charged in proceedings in and for all process issued in said court, and the recorder shall perform such other duties as may be prescribed by any ordinance of said corporation that may properly and lawfully be required of said officer

as the judge of said court, and are not inconsistent with the laws and constitution of this State; provided, that all moneys collected from fines of violation of city ordinances, imposed by the recorder shall be paid into the city treasury for the use of the city. The proceedings before said court shall be commenced by filing a complaint specifying the charges made against the accused with reasonable certainty, which complaint shall be sworn to and shall not be quashed for any formal defects, if it substantially sets forth the nature of the alleged violation. All process of said court shall run in the name of the City of Houston. The city council may, if they deem it necessary, provide said court with one or more clerks and a seal, and such clerk or clerks when appointed and qualified under any ordinance in that behalf shall have full power and authority, the same as the recorder, to administer all oaths and affirmations and to give certificates thereof, and may issue subpoenas, writs or capias, executions, warrants of arrest and search warrants. Such clerk shall have the custody of all books and papers belonging to said court; and shall make out all process and writs, enter upon a docket all complaints before said court, and the recorder's judgment and sentence therein; and he shall receive for his services such salary as the city council may determine, and the city council shall have the authority to determine at what time or times said recorder's court shall be open for business and how long it shall continue in session each day, excluding Sunday and legal holidays.

Sec. 14.—The city secretary shall attend the city council at its meetings, and shall have the custody of all laws and ordinances of the city, and of its valuable papers, records and archives, and also of the common seal of the corporation, and shall affix the same to the obligations of the city by order of the city council. He shall keep a regular and correct journal of the proceedings of the council in well bound record books, and shall perform such other duties as the city council may prescribe or direct.

Sec. 15.—The city treasurer shall have the custody of all moneys, and shall receive all moneys and revenues coming into the city treasury, and pay the same out by order of the city council. He shall keep the moneys and funds of the city on deposit in some bank in the city of Houston, and he shall keep the accounts of the city in well bound books, and the books and records of the office shall be open to the inspection of any citizen at any reasonable and proper time. He shall prepare and publish in one or more newspapers printed in the city of Houston an accurate and detailed statement and account of the receipts and disbursements of the revenues of the city, the outstanding obligations and liabilities of the city, and the condition of the city treasury, which statement shall be prepared and made up to the last day

of December of each year, and published on or before the 15th day of January following; and it shall be the duty of the city council to require this statement to be made and published, and should the statement not be made in the manner and at the time provided, the treasurer shall be liable to a fine of one thousand dollars, to be recovered in the district court of Harris county, at the suit of the city attorney, for and in behalf of the city of Houston, and the securities of the city treasurer on his official bond shall be liable for the amount of such fine.

Sec. 16. The city attorney shall attend all meetings of the council, attend to all civil suits to which the city is a party, unless the council otherwise provides, and shall represent the city and State, in person or by deputy, appointed by him in the recorder's court; shall draw all ordinances and inspect and pass upon all documents involving the interests of the city when requested so to do by the mayor or city council, and shall be the legal adviser of all the officers of the city upon legal questions touching their official duties, and he shall perform such other duties as the council may prescribe, and the city attorney shall be allowed the same fees for attending to State cases in the recorder's court that are allowed other attorneys for the State in the trial of cases in the justice courts and examining courts of this State, in addition to the fees and salary allowed him by the city of Houston.

Sec. 17. That the city marshal shall be the chief police officer of the city, under the mayor. He shall, in person or by proxy, or by some officer of the police force, attend all regular and special meetings of the council. He shall attend upon the recorder's court, and shall promptly execute and return all process issued from said court. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take in custody all persons so offending against the peace of the community. He shall arrest all offenders against the ordinances of the city for offenses committed in his presence, and shall have authority to take bail for their appearances before the recorder, and in default of giving which he shall commit them to the city prison for safe keeping until they can be brought before the recorder for trial. He shall be entitled to the fees allowed constables and sheriffs by statute in the trial of State cases tried in the recorder's court, in addition to fees and salaries allowed him by the city, and it shall be the duty of the marshal and all members of the police force to file in the recorder's court all complaints against persons arrested by them for the commission of offenses of which the recorder's court and justices courts have concurrent jurisdiction. He shall have authority to appoint one deputy, for whose acts and conduct he shall be responsible, and such deputy shall have all the power and authority of the

marshal. He shall perform such other duties and shall be invested with such other powers, rights and authority as the city council may by ordinance confer, not inconsistent with the constitution and laws of the State. He shall be, at all times, under the direction and control of the mayor and the city council, and may be by them suspended or removed from office for cause deemed by them adequate. He shall not absent himself from the city without first obtaining from the city council a leave of absence, which leave shall state the duration of such absence.

Sec. 18. That the assessor and collector shall assess and collect all licenses and taxes levied and imposed by the city council, and shall pay the same over to the treasurer weekly, on the Saturday of each week, taking duplicate receipts therefor, one of which he shall retain and the other he shall return to the council (or the proper committee appointed by the council to receive the same), with his report in detail, showing the several amounts received and by whom paid, which report shall be made to the first meeting of the council in each month. He shall be governed by the rules and regulations hereinafter prescribed in relation to the assessment and collection of licenses and taxes imposed by the city council, and shall do and perform such other acts and duties concerning the administration of his office as may be prescribed by the city council.

Sec. 19. That the officers named in this charter shall perform the duties prescribed by this act, and such other duties as may be prescribed by ordinance. And there shall be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the mayor, with the approval of a majority of all the aldermen elected and qualified, who shall perform such duties and receive such compensation as may be prescribed by ordinance.

The council may require any officer or agent of the city, as it may deem proper, to give good and sufficient bond, with approved security, for the faithful performance of his duties in such sum as it may prescribe.

Sec. 20. That bonds shall be required of the city assessor and collector and of the city treasurer in an amount not less than double the amount of funds which may probably be in their hands at any one time, to be determined by the council, which bonds shall be upon such conditions as may be determined by the city council, and with good securities, to be approved by the city council, and the city shall in like manner require bonds of any officer or agent of the city through whose hands the money of the city may pass.

Sec. 21. That the salary and fees of officers of said city shall be determined

by the city council at least one month previous to their election, which salaries and fees, when so determined, shall not be raised or lowered during the period for which said officers were elected.

Sec. 22. That the by-laws and ordinances of the city shall be enforced by fine not to exceed two hundred dollars, or by imprisonment in the city prison not to exceed ninety days, or by both fine and imprisonment; provided, that no ordinance or by-law shall provide a less penalty than is prescribed for a like offense by the laws of the State. The city council may provide, by ordinance, for the commutation of fines imposed by labor in a work house, on the streets or public works; and for the collection of any fine imposed execution may be issued from the recorder's court in the name of the city of Houston against the goods and chattels, lands and tenements of the persons offending.

Sec. 23. The city council shall have the exclusive control and regulation of all streets, alleys, public grounds and highways within the corporate limits of the city, and shall have power to abate and remove encroachments thereon in a summary manner; to put drains and sewers therein, and when necessary to appropriate private property for that purpose; to permit, to prevent and regulate the laying of gas and water mains therein, and the erection of telegraph, telephone and electric light poles therein; to dispose such terms as to them may seem proper for the use of the streets and sidewalks for any purpose whatever, by any person or corporation, and to demand and collect for the use of the same such compensation as to the city council shall seem meet and proper; to regulate, establish and change the grade of all sidewalks, streets and premises, and to require and compel the cutting down or filling up and raising of such streets and premises; to construct, regulate and keep in repair all bridges, culverts, sewers and crossings, and to control and regulate the use of the same; to construct, regulate and keep in repair all necessary sidewalks and footways and streets, to grade, cut down and fill up the same, to regulate the use, and abate and remove encroachments and obstructions thereon and to compel the removal of the same, and to punish any person or corporation by fine or imprisonment, or by the imposition of a penalty to be collected in a civil suit, who shall encroach upon or obstruct the same, or who shall fail to have such encroachments withdrawn or such obstruction removed after being notified by the proper officer to remove or withdraw the same, and to provide by ordinance that each day such encroachment or obstructions, are permitted to remain after notice is served shall constitute a separate offense.

Sec. 24. The city council shall fix and determine the nature and extent of all sidewalks, curbing, street, drainage, and sewerage improvements, and decide as to the kind of material to be used. The cost

of constructing or repairing (as the case may be) of all sidewalks, curbing, curbing and cost of grading, shelling, paving, repairing, or otherwise improving any avenue, street, alley, or other highway, or any portion thereof, within the limits of the city, and the cost of all drains or sewers laid and constructed within the city, together with the cost of collecting thereof, shall, whenever, by a vote of two-thirds of the aldermen elected, such improvements shall be declared necessary for the public interests, be defrayed, in case of curbing, sidewalks, and street improvements, by the owner or owners of the lot or lots, block or blocks, tracts of land when not laid out into lots and blocks, abutting on such street or portion of street improved, according to the cost of work in front of the particular lot or block or tracts of land, and in case of sewerage or drainage improvements, shall be defrayed by the owner or owners of such lot or lots, block or blocks, or tracts of land when not laid out into lots or blocks, according to the proportionate benefits of the lots, blocks, or tracts of land within the sewerage or drainage districts hereinafter provided for, taking into consideration the area and locality of the property affected; and the cost of all such improvements shall be a tax and charge against the person or persons owning such lots, blocks or tracts of land at the time such tax or any portion thereof shall become due as to such lots, blocks, and tracts of land, and a lien and encumbrance upon the land itself; and said tax against the property owner may be collected, and a lien upon the property foreclosed in any court having jurisdiction.

The city council shall have power to provide by ordinance for the laying out of drainage and sewerage districts within said city, and to provide for the cost of constructing main and lateral drains, sewers, or conduits in such districts, by assessments against the owner or owners of the lots, blocks, or tracts of land when not laid out into lots and blocks, in such sewerage and drainage district, according to the proportional benefits respectively to such lots, blocks, or tracts of land, in view of area and locality; and main sewers and drains may be constructed, and the cost of the same assessed (against) the land within such district as aforesaid in contemplation of additional lateral or cross sewers or drains being constructed within such district at some future time. The cost of constructing curb walls and gutters, and sidewalks on the corner of any block shall be assessed against the owner or owners of the corner lot or tract of land abutting thereon; Provided, nothing in this act shall be construed to prevent the city council from constructing sewers and drains, or making street improvements in whole or in part at the expense of the city, should it be deemed advisable to do so.

The city council shall, by resolution duly passed, designate the streets, or portions

of streets, on which curbing, sidewalks, or street improvements shall be made or constructed, and the district within which the sewerage or drainage improvements shall be constructed, and the general nature of the improvements to be made, and the principal ingredients of the materials to be used: Provided, however, that provisions may be made in such resolution for receiving bids on more than one kind of material, or of different modes of construction. Said resolution may be amended or changed by a two-thirds vote of the city council at any time previous to the publication of the advertisement for bids, and it shall be proper to embody in the same language to the effect that the improvements contemplated will be made only on those portions of the street or streets referred to where good and sufficient improvements of like character do not exist; and in such event the mayor, as the work progresses, shall determine where such existing improvements, if any, are in fact good and sufficient, within the meaning and intent of the resolution, and he shall direct the contractor accordingly; and any property owner shall have the privilege of putting down his own sidewalks and curbing in front of any lot owned by him, provided the same are completed or in course of construction prior to the leaving of material near the same for the purpose by the contractor employed by the city, and if in course of construction are completed in a manner satisfactory to the mayor at such time, to be determined by the mayor, as will not interfere with the work being otherwise done by the contractor. When sewerage or drainage improvements are contemplated, said resolution shall refer to the district within which property will be assessed for the payment of the same.

The cost of paving any street intersection under the provisions of this act shall be borne by the city, and the city council is hereby authorized to levy for that purpose an annual ad valorem tax, not exceeding  $\frac{1}{4}$  of 1 per cent per annum. The city shall have the same time in which to pay for said work as individuals have under the provisions of this act; and street intersections as here used shall be deemed to mean all that portion of the street improved within an extension of the block lines of the intersecting streets.

Any railroad or street railway company shall be liable for the cost of grading, paving, or otherwise improving the portion of the street or intersections used or occupied by such railway company, and such cost shall be a lien upon the property and franchises of the company. The portion of a street occupied by any railroad or any street railway company, shall be deemed to mean all that portion of the same between the rails of all tracks laid, and extending twelve inches beyond the outer edge of the rails of such road, and including the space between double tracks and between the main track, side tracks or turnouts.

Any railroad or street railway company proposing to occupy any street already occupied by any such company shall, besides paving along their tracks as above provided, be required to also pave between the tracks of said two roads to within twelve inches of the track of such other road. And any person or corporation having an easement in any land not in but abutting on the street, shall be liable for street curbing, sidewalks, drainage, or sewerage improvements in same manner as though it or he were the owner of such land, and a lien shall exist on such land, inclusive of such easement right, to secure the cost of such improvement.

Should any railroad or street railway company propose to lay a track on any street or portion of a street which shall have been improved under the provisions of section 23 et seq. of this act, it shall become liable, according to the portion of street occupied by such company as defined above, for such portion of the cost of improvement as the city council may direct, not in excess of what would have been its proportion of the original cost of the improvement had its track been on the ground when the improvement was made; and such amounts, when collected, shall be credited on the assessments made against abutting property, and the city council may, by ordinance, provide for the form and manner of collecting and disbursing the same. Before any railroad or street railway company shall be permitted to occupy such improved street or portion of street it shall file with the city secretary, in writing prepared by the city attorney, an acceptance of the terms on which its occupancy shall be permitted.

Sec. 25. After the passage of a resolution of the character next hereinbefore referred to, it shall be the duty of the city secretary to have said resolution or so much of the substance of the same advertised for not less than four days in some daily newspaper published in the city of Houston as will inform any person owning property liable to be affected by said resolution of the fact that the making of improvements is contemplated by the city council, which, if carried out, will subject his property to a special tax assessment for the payment of the same, and no further action in regard to the proposed improvements referred to in such publication shall be taken until the lapse of ten days from the first publication thereof; provided, however, that failure to advertise the same for more than one day, or any mistake or omission in the wording of said advertisement, shall in no way vitiate or affect the validity of special assessments levied under the same.

After the passage of such resolutions, specifications for the improvements referred to in the same shall be prepared by the city engineer, which specifications when prepared and adopted by the city

council shall be opened for public inspection in the office of the city secretary or that of the city engineer; and it shall be proper to provide in said specifications for such reasonable alterations in the grade, plan, form or dimensions of the work, or additions to the same, as may become apparent or found to be necessary or expedient by the city engineer or board of public works, as the work referred to in same progresses; provided, however, that it shall be the duty of said board of public works to examine said specifications, and a majority of the members thereof shall indorse their report in reference to the same thereon, or affix it thereto, before the same are approved by the city council; provided further, however, that said city council shall nevertheless have the right, after such report shall have been made by the board of public works, to amend or change said specifications without further reference to said board.

After said specifications shall have been finally approved by the city council, bids for the construction of said improvements shall be solicited by public advertisement, duly made, which advertisement shall refer to said specifications, and the work lowest bidder, to be judged of by the city council. Said advertisement shall be published in the city, inviting bids thereon, and the same shall state the time when such proposals will be opened, and shall show the manner in which the work is to be paid for. All proposals shall be addressed to the city secretary and opened in the presence of the city council at a regular meeting. Bond to be fixed in amount by the city council and approved by the mayor, shall be required of all contractors.

Sec. 25. After a bid for the construction of sidewalks, curbing, street drainage or sewerage improvements shall have been accepted by the council, and a contract for the construction of the same entered into, from time to time, as rapidly as practicable, there shall be prepared by the city engineer a roll or rolls, showing the number of lots, blocks or tracts of land when not divided into lots or blocks, fronting on the street, alley, avenue or highway to be improved, or, in case of sewerage or drainage or other improvements within the district provided for, the name or names of the owner or owners of such lot or part of lot, block or tract of land, if known to the city engineer, and if unknown to him it shall be so stated; the number of feet frontage of such lot or part of lot, block or tract of land fronting on the portion of the street to be improved, in case of sidewalks, curbing or street improvements, and the proportional cost to such lot or part of lot, block or tract of land, in view of area and locality, in case of sewerage or drainage improvements, and the total cost as ascertained and calculated by the city engineer of such improvements necessary to be borne by each, and to be paid by each owner of such property as described in such roll.

After said city engineer shall have prepared a roll as provided for, covering any portion of the work embraced in the contract, he shall indorse thereon a certificate in substance as follows: "I certify that the above and foregoing roll of ownership and estimate sheet is correct, and that I have honestly and faithfully prepared the same," and he shall sign (his) name to such certificate. It shall then be the duty of the board of public works to examine such roll of ownership, and a majority of the members of said board shall indorse thereon or attach thereto such report in reference to the same as they may deem proper. It shall also be the duty of the city attorney to examine said roll, nor shall the same be submitted to the city council for approval until he shall have certified that such roll of ownership is in due form, as required by the city charter.

After the publication of said resolution, hereinbefore referred to, it shall be the duty of all persons owning land liable to assessment for the cost of improvements referred to in such resolution to file in the office of city engineer, previous to the completion of said roll of ownership, a correct description of all such land owned by them; and any one of them failing so to do shall not be permitted, after the final approval of said roll of ownership to resist the payment of the full sum therein assessed against him, or against property owned by him, on account of any mistake or omission in said roll pertaining to the description of the land so owned by him, or to the name or names appearing in said rolls as the owner of the same. It shall, however, be the duty of the city engineer to exercise reasonable diligence in ascertaining the name of the owner of the respective tracts of land referred to in such roll of ownership, and in describing such tract of land correctly, and for this purpose it shall be sufficient for him to adopt the description and designation of ownership appearing in the latest assessment rolls of the city of Houston, prepared for the purpose of general taxation completed at the time of the preparation of such rolls of ownership. The said roll, when approved by the city council, shall be prima facie evidence that all the prerequisites required by law pertaining to the levying of said assessments have been complied with, and in case of suit by said city to enforce said assessment, all the provisions of this act relating to misnomer, misdescription, and to suits against unknown owners in case of certificates, shall apply in favor of the city.

Sec. 27. After a roll of ownership shall have been prepared as above provided for, the same shall be placed in the office of the city secretary for public inspection, and it shall thereupon be the duty of the city secretary to cause the same to be published for not less than four days in some daily paper published in the city of Houston, a notice in form substantially as follows:

"Persons owning property on (here insert the name of street or streets, or description of portions of the same referred to in said roll, or a description of the territory or district to which the roll relates) are hereby notified that the roll of ownership showing the amount of the special assessment tax levied against the owners of property above referred to to cover the cost of improvement made in accordance with the resolution of the city council relating to the same, adopted (here insert the date of the resolution), has been placed in the office of the city secretary for inspection, in order that all persons interested therein, or to be affected thereby, may have an opportunity of calling the attention of the city council to any errors or mistakes connected with such assessments levied against property owned by them, as shown in said rolls." And said roll shall in no event be adopted or approved by the city council until after the lapse of ten days after the first publication of said notice; and on the filing of said roll in the office of the city secretary for public inspection, as aforesaid, it shall be the duty of the city secretary to mail a copy of said notice to the postoffice address, as far as known to him, of all persons whose names appear on said roll, and where the postoffice address of any person named in said roll is unknown to said city secretary, he shall address a letter containing said notice to Houston, Texas; provided, however, that failure on the part of said city secretary to comply with the provisions above stated in respect to mailing said notice to any person named in said rolls shall in no wise impair or affect the validity of said roll or the validity of the assessment provided for by the same.

The publication of said resolution, or substance of the same, as hereinbefore provided for, and the publication of said notice, shall be notice to all persons owning property against which special tax assessment for sidewalk, street, drainage or sewerage improvements, or for any other purpose, may be made of the pendency of the proceedings had and to be had, and the acts taken and to be taken in reference to the same, and such persons shall be permitted, at any time after the date of the first of such publication, and previous to the final approval of said rolls by the city council, by petition to the city council filed with the city secretary, to object to any such acts and proceedings, and show wherein they have been or may be aggrieved or injured thereby, and to ask for a revision or correction of the same; and they shall be permitted, and it shall be their duty, before the final approval of such roll, to appear in person, or by agent or attorney, before said city council and not thereafter at any time before any other tribunal, board and commission, which was then unknown, and could not by reasonable diligence have been ascertained, excepted, and apply for redress for such wrong or injury, and for the correction of such errors as they may point out and establish to the satisfaction of said council; nor shall any

such roll be finally approved by the city council after filing of such petition by any person so affected or liable to be affected by said proceedings, until such petition shall have been heard and acted upon by the city council, although it shall not be necessary to incorporate in the minutes of said city council its action thereon; and it shall be the duty of any person who may deem himself injured by the action or non-action of the city council in reference to the matters contained in such petition, within five days after the approval of such roll of ownership, to apply to the proper court for an injunction, based on the facts alleged in such petition, restraining further action on the part of the city officials, or any of them, in reference to the matter complained of in such petition, and to the extent of the petitioner's interest in the same; and neglect or failure so to do shall forever estop such petitioner and all parties claiming under him from denying the correctness of said roll or the regularity of all proceedings previously had in reference thereto, or the validity of the special tax therein assessed against the land owned by him, and at all times and all proceedings in any court in which the validity of any special tax assessment that may have been laid under the charter of the city of Houston or amendments thereto, as shown by any roll of ownership, is claimed to have been prepared by the city engineer in accordance with the provisions thereof may be called in question.

A recovery shall nevertheless be had in such suit for such sum as ought to have been assessed against the tract of land involved, according to the mode of apportionment provided in the law of said city applicable to such improvement; and if for any reason in law or fact such recovery can not be had, then a recovery shall be allowed quantum valebat, not exceeding the contract price for the improvement in front of the lot or lots, block or blocks, or tracts of land involved, according to the front foot rule or standard; and if for any reason in law or fact recovery can not be had in either of the above modes, then recovery shall be allowed, not exceeding the contract price, to the extent and according to the standard of benefits from the improvement in question to the lot or lots, block or blocks, or tract of land involved.

And such recovery, in whichever mode allowed, shall be a lien on such lot or lots, block or blocks, or tract of land, for such amount as shall be established, together with 6 per cent thereon from the date of the acceptance of said work by the city, and such lien shall be established and foreclosed accordingly. In case of curbing, sidewalk, and street improvements, whether the recovery is had on the original assessment or otherwise, the lien shall extend in depth as to tracts of land not laid out into lots and blocks to the usual depth of lots in said city, namely, one hundred feet.

Sec. 28. The sum assessed against each separate lot or tract of land, when not divided into lots described in the roll of ownership, shall bear interest at the rate of 6 per cent per annum from the first day of the month next after the acceptance by the city council of the work embraced in said roll, and shall be divided by the city secretary into annual installments, not less than three nor more than ten, as may be provided by the resolution authorizing said assessments, and of as nearly equal amounts, not less than \$10 each, as he may deem most convenient, and he shall add to each installment the amount of interest to become due on the entire amount of principal unpaid at the maturity of said installment, and the sum so computed shall constitute the total amount due each year respectively on said tract of land; provided, that when the amount is so small that it can not be divided into three annual installments of not less than \$10, it shall be divided by the city secretary into two annual installments and of as nearly equal amounts.

The first of said installments shall become due on the first day of the month next after the acceptance of the work embraced in said roll, and the remaining installments shall become due on the same day in each year thereafter until all are due; and the failure to pay any installment, with interest thereon, within six months after it becomes due, shall, at the option of the person entitled to collect the same, cause all subsequent installments to mature, and shall authorize the foreclosure of the lien for all installments of principal and interest unpaid.

The owner of any property subject to assessment may at any time, whether the same be due or not, pay the same or any part thereof, with interest to date of such payment, to the city treasurer, who will give a receipt therefor, and note the same on the assessment roll, and if an improvement certificate has issued therefor notify the owner thereof, if known, by card through the mail, and upon the presentation of said certificate apply the sum so collected towards its payment, otherwise deposit the same as hereinafter provided in case of other collections of special assessments for street improvements; and the payment of any such assessment in full shall release said property and the owner thereof from any further liability for the work upon which said assessment was made or the obligation issue therefor.

Sec. 29. Where it has been provided by the contract that such improvements shall be paid for in improvement certificates, such certificates may be issued for the sums assessed against the several separate tracts of land appearing on said roll, whether embracing one or more lots. Each certificate shall designate the tract of land against which and the sums of money for which it is issued, the said sum has been assessed against said property as its proportion of the cost of

street improvement made under a contract between the city of Houston and (here name the contractor), dated (here give the date), executed by virtue of a resolution of the city council of said city, passed (here give date), authorizing said improvements. It shall state the area or the frontage of the property upon which said assessment is based, the name of the owner, as mentioned in said roll, that it was issued by virtue of section 23 of the charter of the city of Houston, and that, as provided in section 24 of said charter, the sum of money for which it is issued is a tax against the owner of and a lien upon the property therein described. That it is payable in (here state the number of) annual installments of (here state the number) dollars each, the first of which is due on the first day of the month next after the work upon which it is issued was accepted by the council, and that each of the remaining installments will become due on the same day in each year thereafter, until all are paid. That the entire amount of principal and interest represented in said certificate bears interest at the rate of 6 per cent from date until paid, and that failure to pay any installments of principal and interest within six months after the same has become due shall at the option of the person entitled to collect the same cause all subsequent installments to mature, and authorize the foreclosure of the lien for all installments. Such certificates shall be issued by series and numbers, and be dated on the first day of the month next after the work upon which they were issued was accepted by the city council, and may have attached to them as many coupons as there are installments to be provided for, each of which shall show the date, number and series of the certificates, the amount of principal and the amount of interest which it represents, and the date when it becomes due.

Sec. 30. When the resolution passed, as authorized by section 24 of this act, shall provide that the work of improvement to be done thereunder may be paid for in bonds of the city of Houston, the city council, before bids have been advertised therefor, may, by ordinance duly passed by a two-thirds vote of all the aldermen elected, provide for the issuance of street improvement bonds. Said ordinance shall refer to said resolution by caption and date of passage, state the probable cost of said improvement as estimated by the city engineer, and authorize the mayor to have prepared bonds to that amount and of such denominations as may be deemed most convenient. Said bonds to run ten years, bear interest not to exceed 6 per cent per annum, with coupons therefor, attached, and to be secured by lien, as hereinafter provided, upon special assessments for such street improvements.

After the bonds have been so prepared, bids may be advertised for said work, to be paid for either in cash or in said bonds, the bidder to state the price of the

work in each, and the city reserving the option, at the completion and acceptance by the city council of any installment of said work, of paying for the same or any part thereof, either in cash or in said bonds, at the price named in said bid; and upon the execution in good faith of a contract for the work authorized in said resolution, and not until then, said bonds may be sold, but in no event to be sold for less than par.

The special assessments against any property improved under the first resolution of the city council, as aforesaid, which shall be passed after the passage of this act, shall constitute a special street improvement fund, to which fund the special assessments against other property for improvements made under subsequent resolutions of said city council providing for similar improvements, shall, from time to time, be added, incorporated into, and constitute part of said improvement fund, which fund shall be applied exclusively to the payment of such improvements; and the bonds issued therefor, under whichever resolution made, and each and all such bonds shall be a lien and charge against so much of said fund as is equal in amount to the entire amount of said bonds and accrued interest at any time outstanding.

All special assessments for such improvements shall be collected by the city treasurer, by suit if necessary, directly from the assessment rolls, and be noted thereon and receipted for by him under seal of the city, and under no circumstances shall any abatement of principal or interest be made in favor of any person or property liable therefor on said rolls.

All such collections as made, with a statement of the rolls upon which they were made, together with the proceeds of the sale of said bonds, and the amount of such bonds, and also a statement of the amount of bonds paid out toward the payment for any such improvement, shall be by the said treasurer at once deposited with some bank in the city of Houston, to be designated by the city council as the trustee of said fund.

The city secretary shall also, from time to time, as such assessment rolls are approved by the city council, furnish to said trustee a certified statement, under the seal of the city, of the amount of such rolls, and under what resolutions the work embraced in said rolls was done; and under no circumstances shall said trustee pay any draft upon said fund which will have the effect of reducing the amount thereof, including cash in the hands of said trustee and the uncollected assessments on said rolls, to an amount aggregating less than the total amount of such improvement bonds then outstanding. Any excess of said fund over that amount, however, may be drawn out under authority of the city council, by check of the city treasurer, countersigned by the mayor and finance committee of said city; and after paying

therefrom the matured interest on any of such bonds outstanding, under whichever of said resolutions the same were issued, the remainder shall be applied in payment for the work being done under either of said resolutions as the same is accepted by the city council, and to no other purpose whatever.

Said city council may, in its discretion, provide by ordinance for the collection of said special assessments by the city treasurer by advertisement and sale in the same manner, so far as practicable, as in the case of general taxes levied by said city; and in such event all the provisions of said city charter relative to the collection of taxes and proceedings had in reference to tax sales under the same shall be applicable.

Sec. 31. There shall be appointed by the mayor and confirmed by the city council three citizens of the city, who shall constitute a board of public works; who shall be appointed by the mayor at the first regular meeting after the election of said mayor. They shall hold their office for two years and until their successors are appointed, and shall serve gratuitously. They shall be allowed, however, \$500 annually, or so much thereof as may be necessary, to cover any expense incurred in the performance of their duties. All matters pertaining to public improvements involving an outlay of as much as \$1000 shall be referred to said board before they are finally approved by the council; and they shall, within ten days thereafter, make their report thereon, with such recommendations as they may deem expedient. They shall examine and pass upon all plans and specifications relating to such improvements, and on all bids for the work embraced therein; and after the completion of any such work shall examine and report whether the same has been completed according to contract; and no plans or specifications for any such work shall be adopted, bids accepted, contracts awarded, or work accepted for any such improvement until the report of said board in reference to said matters shall have been received by the council, or until after the expiration of ten days after the matter was referred to them. Said board may also originate and suggest public improvements, and prepare and recommend plans therefor, including all matters pertaining to their construction.

Sec. 32. The city council shall have authority by ordinance or resolution, to order the repair of any sidewalk or curb wall in front of any private property; to order the filling up or draining any property where water is liable to accumulate and become stagnant; to order the proper and permanent connection of sinks and water closets with the public sewers; the removal of privies, and the filling up of cesspools; to order the cutting of weeds and tall grass on private property and on the adjacent sidewalk; to establish,

regulate and control cemeteries; to locate and regulate the management of slaughter pens; and generally to order and control the doing of any work of a sanitary character which may be deemed necessary on or about any premises within the limits of the city of Houston, and to prescribe the time within which the same shall be done.

On the passage of any such ordinance or resolution, the same shall be published at least four days in some daily newspaper published in said city; and it shall thereupon be the duty of the owners of the premises on which work of the character named in said ordinance or resolution is ordered to be done, or the owner of the lot or tract of land when not divided into lots, abutting upon the street at the place where the repairing or construction of sidewalks or curb walls is ordered, to comply with the directions and orders contained in such resolution, and perform or cause to be performed on such premises or adjacent to the same the work therein directed to be done, within the period prescribed in said resolution, to the satisfaction of the city engineer or such other officials as may be provided by the ordinances of said city, in accordance with such instructions as may, on application, be given by such official, when all needful instructions shall not be contained in the resolution itself.

And should any said property owner fail or neglect to comply with the requirements of such resolution before the lapse of the period therein prescribed, within thirty days after his or her attention shall have been called to said resolution by any officer of the city, by mail or otherwise, or within thirty days after the lapse of said period to be prescribed in the said resolution, and after the publication of the same, when such owner or his residence is unknown to the mayor, then the mayor may order the work to be done by some official of the city, who shall keep a correct account of the cost of the same, and the cost and expense of doing such work, when done by the city, together with 6 per cent in addition thereto as a penalty, shall be a tax and charge against the person or persons owning the lot or tract of land on which such work may be done, or abutting upon the street or highway at the place where such work done is done, and a lien and incumbrance upon the land itself; and such tax and charge against said property owner shall be due on completion of the work, and shall be collected provisionally by the city assessor and collector, and if not paid within thirty days thereafter, after becoming due, the same may be collected, with 6 per cent interest per annum, and the lien foreclosed in any court having jurisdiction. An itemized bill or statement of the cost of the work, when done by the city under the provisions of this section, after being duly sworn to by the officer under whose direction the work has been done, and

after being approved by the mayor, shall be prima facie evidence in any court of the performance of the work stated in such bill, at the cost therein stated, and compliance with all the provisions of this act, and that the amount stated is a just charge and tax against the property owner therein named, and a lien upon the property described as shown therein, subject to such correction as to such court shall seem meet and proper.

Sec. 33. The city council is hereby authorized and empowered to take and condemn land and real estate within the corporate limits of said city to the public use for streets, alleys and highways, and for extending and widening the same; and for public wharves and landing places for steamers and other crafts; for public schools and for public squares, parks and pleasure grounds. For the condemnation of any land or real estate, the following proceedings shall be had: The city council shall pass a resolution describing by metes and bounds the lands to be condemned, stating for what public purpose it is intended to be used, and thereupon the provisions contained in articles 4183 to 4205a, inclusive, of the Revised Civil Statutes of the State of Texas, A. D. 1879, relating to the condemnation of lands by railway companies shall regulate and control the proceedings had and taken by said city for condemnation purposes, so far as applicable.

After the passage of a resolution of the character next above mentioned, and after proceedings have been had thereunder for the condemnation of any real estate, and after the cost of condemning and obtaining title to the land in question shall have been ascertained, it shall be the duty of the mayor to appoint three disinterested and competent persons, whose appointment shall be confirmed by the city council, who shall act as special assessment and apportionment committee. It shall be the duty of said committee to view the neighborhood and premises in question, and under their instructions a map shall be prepared by the city engineer, embracing the territory in which, in their opinion, land has been or will be benefited or enhanced in value by the improvement for which said condemnation proceedings shall have been had.

The city engineer shall also prepare, in connection with said map, a roll of ownership, showing the number of lots, blocks or tracts of land when not divided into lots and blocks, in the said territory above referred to, the name or names of the owner or owners of such lot, block or tract of land, if known to the city engineer, and if unknown, shall be so stated, and the area of such lot, part lot, block or tract of land.

Said apportionment committee shall thereupon assess and apportion two-thirds of the entire expenses incurred by the city, or such parts thereof as the city council, in its discretion, may determine, not exceeding two-thirds, in obtaining title to the property condemned, against such owners, according to the benefit conferred

or to be derived from the improvement contemplated by such condemnation, taking into account the respective areas and locations of the different tracts of lands, and the distances of the same from the property condemned, which sums thus assessed and carried out on the said roll against the respective lots, blocks or tracts of land therein named shall be a tax and charge against the person or persons owning the same at the time of the final approval of said roll by the city council, and a lien and encumbrance against the land itself, which tax and charge may be collected and the lien upon the property foreclosed in any court having jurisdiction.

The city engineer shall indorse on said roll a certificate in substance as follows: "I certify that the foregoing roll of ownership and assessment sheet is correct," and he shall sign his name to the same; and said apportionment committee shall make and indorse thereon an affidavit in form and substance as follows: "We, the undersigned apportionment committee, do solemnly swear that we have justly, impartially and to the best of our ability prepared, and caused to be prepared, the above and foregoing assessment roll, and the same is, to the best of our knowledge and belief, correct and fair." It shall thereupon be the duty of the city attorney to examine said roll of ownership, and the same shall not be submitted to the city council for approval until he shall have certified that said roll is in due form, as required by the city charter.

Said roll of ownership shall then be deposited with the city secretary, and notice of its filing, calling attention to the fact that a special tax assessment has been made against the property embraced in said roll to pay the cost and expenses of condemning the property, shall be published in some newspaper published in Houston for five successive days; and where the owner or owners of any property embraced in said roll of ownership are unknown, it shall be the duty of the city secretary to send, through the United States mails, written or printed notices, in substance the same as is required to be published; and the same proceedings shall be had in regard to said roll of ownership, and in regard to its approval by the city council, and in regard to corrections and changes being made in same, and in regard to the division of assessments therein named into installments, and in collection of the same by the city, and in regard to all other matters pertinent thereto, as have hereinbefore been provided for in reference to special assessments for streets, sidewalks, sewerage and drainage improvements, as far as applicable; and all the provisions of this act relative to such special assessments shall be equally applicable to the special assessment levied to cover the cost and expense of condemning land, so far as may be practicable, and the city council of the city of Houston shall pass such ordinances as may be necessary to supply all deficiencies in respect thereto.

Section 34. That said city council are hereby authorized, and it is hereby declared to be their duty, in all cases where special tax assessments for public improvements, or improvement certificates issued in payment for the same, which may be declared void by any court of last resort by reason of the want of power or authority to make or issue the same, or by reason of non-compliance with any of the provisions of the charter of said city existing at the time, whether of a jurisdictional character or otherwise, at any time thereafter, to reassess and relieve the amount of such assessment or taxes so declared void, and to collect and authorize the collection of the same in the same manner as though such assessment or certificate had been originally valid. The reassessment or relief of any general tax or special assessment may be made directly by the city council, or in such mode as to them may seem meet and proper, nor shall any person whatsoever be heard to complain of the manner and form of such reassessment, or of the result thereof, unless he can show substantial injury to himself therefrom accruing, and in such event only to the extent of the injury or loss shown; and the provisions of this section and of the next preceding sections of this act, from section 24 to section 33 inclusive, shall be liberally construed in favor of said city, or in favor of the contractor doing said work, or persons holding under him, to the end that in all cases the payment of both general taxes and special tax assessment may be rigidly and impartially enforced. Provided, that this act shall not validate any certificate heretofore issued, nor shall such certificate be reissued, nor shall any roll of ownership ever be approved for improvements made prior to this act, except contracts now pending.

Section 35. If the purchaser at any tax sale, or at any sale under proceedings had to foreclose a tax lien on property sold in the city of Houston for non-payment of general taxes or special tax assessments by said city, shall fail to acquire a valid title to the property so purchased by him, by reason of any irregularity or defect in the assessment or levy, or for any other reason whatsoever, whether of a jurisdictional character or otherwise, such purchaser shall nevertheless have a lien on the property so purchased for the taxes which would have been due on the same had all proceedings in reference thereto been legal and regular, together with all costs connected therewith; also for all taxes, both general and special, by him subsequently paid on said property, with interest on all of such sums at the rate of 6 per cent per annum; and he shall be entitled to judgment for such amounts and for the enforcement of the lien against the owner of said property in the same action wherein the inability (invalidity) of said tax sale or the sale in proceedings of the tax lien is declared void, together with his costs incurred in such action.

Sec. 36. The city council shall have

power and authority to secure the safety and convenience of passing in the streets, sidewalks, and other places in the city.

To fix the squaring and to prevent encroachments and obstructions on the streets, sidewalks, squares, ways, levees, public roads and places.

To fix the place for the anchoring of water craft on Buffalo bayou.

To establish an active system of inspection over the conduct of persons and premises.

To prevent cattle, horses, swine, goats, geese, and animals from running at large in the streets or within such prescribed limits as may be established by the city council.

To establish and regulate public pounds, and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats and geese, and to authorize the detaining, impounding and sale of the same for the costs of the proceeding and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners thereof for violation of any ordinance, and to impose penalties on the owners or keepers thereof.

To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

To prohibit and restrain the rolling of hoops, flying of kites, firing of firecrackers, use of velocipedes, or use of any pyrotechnic or any other amusement or practices tending to annoy persons passing in the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells or the blowing of horns and bugles, crying of goods, and all other noises, practices and performances tending to the collecting of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

To establish and maintain a city police, prescribe the duties of policemen and regulate their conduct.

To provide for lighting the streets by gas, electricity, or other means, and for this purpose may establish gas works or electric works for the manufacture of gas or electricity for the use of the city and the inhabitants thereof at cost price.

To determine in what part of the city slaughter houses, bone boilers, soap makers, brick yards, or other establishments of any business which is or may be injurious to the value of adjacent property, or unwholesome or disagreeable to the occupants of adjacent property, shall not be allowed to be carried on or to be erected, and to regulate the same, and provide for the removal of such establishments.

To determine in what part of the city wooden buildings shall not be erected, within the limits prescribed, no person

shall be permitted to erect such buildings; to prevent gunpowder or other explosive material, kerosene oil or other inflammable oils being stored within the city limits in such quantity as to endanger the safety of adjacent property.

To provide means for the protection against, and the extinguishment of conflagrations, and for the regulation, maintenance, and support of a fire department.

To permit or forbid theaters, balls or other public amusements, and to suppress the same whenever the preservation of order, tranquillity, or public safety may require.

To close dram shops, drinking saloons, and other places where intoxicating liquors are sold, and variety theaters, whenever necessary or expedient.

To define what shall be a nuisance in said city, and to abate them by summary proceedings.

To prohibit the burial of the dead within the limits of the city, and to regulate such burial when allowed.

To prohibit and punish keepers and inmates of bawdy houses and variety shows, and to segregate and regulate the same, and to determine such inmates and keepers to be vagrants, and provide the punishment of such persons.

To provide a work house for vagrants and disorderly persons who are unable to pay fines, and to make regulations concerning the same.

To regulate weights and measures, fix standards of weight and measure, and to fix penalties for not using the same.

To provide and keep a city prison.

To make all needful and proper regulations concerning bakers, butchers, keepers of taverns, grog shops, and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains.

To prevent extortion by carriers of passengers or baggage, hacks, drays and all public conveyances by establishing maximum rates of charges.

To suppress gambling houses, and to punish keepers of gambling houses, and all persons who play at cards or games of any kind, and to punish persons who sell lottery tickets, or who advertise lottery drawings or schemes and the results of the drawings of lotteries.

To direct and control the laying and construction of railroad tracks, tunnels and switches, and that they be required to be constructed and laid out so as to interfere as little as possible with the ordinary travel and use of the streets.

To require railway companies to keep the streets through which they run in repair, and to light the same whenever deemed necessary.

To construct and keep in repair bridges and crossings at the intersection of streets and avenues, and over all ditches, sewers and culverts on the line of the railways.

To regulate the speed of engines and locomotives within the city.

To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines and locomotives within the city limits.

The right to prescribe the number of hours of labor to constitute a day's work for all laborers, workmen and mechanics who may be employed by or on behalf of the city, which shall apply to all mechanics, workmen and laborers employed by the city of Houston, through its agents or officers, or in the employ of persons contracting with the city of Houston for the performance of public work.

To prescribe the fees that shall be paid the city scavenger for the removal of night soil, to prohibit any one except the city scavenger, or those in his employ, from removing or carrying away the contents of any privy, vault or water-closet, or any receptacle of human excrement.

The right to prescribe by ordinance that it shall be the duty of the health officer, or other officers to be designated in the ordinance, whenever, in his judgment, it may be necessary to notify the landlord or owners of property that their premises need cleaning, and to have the same cleaned within a certain time and fine any person who fails or refuses to so do.

To prescribe by ordinance that the landlord or owner of property who fails or refuses to pay the city scavenger for the removal of night soil from the premises owned by him the rate fixed by law for such removal to be fined upon conviction in the recorder's court in any sum not less than \$1, nor more than \$100.

To provide for the construction, regulation and inspection of buildings in the limit of the city of Houston for the more effectual prevention of fires and the better protection of life and property therein and to prescribe that plans for building be submitted to the superintendent of buildings or other officer designated by the council of the city of Houston, who shall inspect the same and if not in conformity with the regulations of the city of Houston in regard to the proper construction of buildings so as to prevent and control fires and better protect the life and property of the inhabitants of the city of Houston to prohibit the construction of said buildings, and to tear down said building if built without first obtaining permission after submitting plans, and said superintendent of buildings, or other officer designated by the city council, shall have the right to inspect buildings to see if they are in conformity with said ordinance of the city of Houston regulating the same and the

city of Houston shall have the right to fine parties upon conviction before the recorder, who shall refuse or fail to comply with the building ordinances of the city of Houston; and the said city of Houston shall have the right to require parties who own or are having buildings constructed to pay the superintendent of buildings, or other officer designated by the city council of the city of Houston, a reasonable fee for inspecting the plans and buildings.

To restrain, punish, regulate and control, license and locate, all houses of prostitution or assignation, and keepers and inmates thereof, and to provide a system of inspection of the inmates thereof, for the preservation of the public health.

To regulate, punish or control and license all gambling, and keepers of games and gambling houses, and those who bet on games and gambling devices.

To erect and establish one or more work houses, or houses of correction, within or outside the city limits; make all necessary rules and regulations thereof, and appoint all necessary keepers and assistants. In such work house, or house of correction, may be confined all vagrants, stragglers, idle, suspicious and disorderly persons, who may be committed by the mayor or recorder; and any person who shall fail or refuse to pay the fine, penalty or costs imposed for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to jail, be kept therein, subject to labor and confinement.

To compel and force all offenders against any ordinance of this city, found guilty by the recorder and sentenced to imprisonment, to labor on the streets and alleys of said city, or on any public works under such regulations as may by ordinance be established.

To prevent any person from bringing, depositing or having within the limits of said city any dead carcass or other offensive or unwholesome substance or matters, and to require the removal or destruction by any person who shall have placed, or caused the same to be placed, upon or near his premises, or elsewhere, of any substance or matter, filth or putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city; and require the owner of any dead animal to remove the same to such place as may be designated.

To prevent, regulate and control the driving of cattle, horses and all other animals into or through the city.

The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations not contrary to the constitution of this State, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any department or of-

After thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the prison, work house or house of correction, or both, in the discretion of the court before which conviction may be had; but no fine or penalty shall exceed two hundred dollars, nor the imprisonment more than three months, for any offense, unless a larger fine and longer period of imprisonment is herein allowed; and for any fine, penalty and costs imposed by the recorder in the trial or any cause on complaint before him, execution may issue to collect such fine and costs, to be levied and executed in the same manner that executions are from the courts of criminal jurisdiction. The same shall be issued by the recorder or the clerk of the recorder's court, if there be such clerk, and under the seal of the court, if it have a seal, to the chief of police, who in levying on property and selling, shall have like power and authority as the sheriff of the county in executions issued from the district court; and the laws of the State, so far as applicable, shall apply to and be in full force and effect, as to the executions issued from the recorder's court, and the chief of police in executing the same. Any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs, and in default thereof may be imprisoned in the city prison, or the work house, or house of correction, or may be required to work on the streets or other public work of the city for such time and in such manner as may be provided by ordinance; provided, such imprisonment shall not exceed three months, unless a longer period is herein allowed.

To prevent all trespasses, breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, obscene, profane and insulting language, misdemeanors, and all disorderly conduct, and punishing all persons thus offending.

To prevent and punish the keeping of houses wherein indecent, loud or immodest dramatic theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments.

The city council shall have power to require on due notice all railway companies owning tracks within the city limits, which may have been or may hereafter be abandoned by them, by nonuser, to remove such tracks and to restore at their own expense the street or way upon which such abandoned track is located to proper grade.

To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets, to prohibit and punish the abuse of animals, to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

To restrain and punish vagrants, mend-

icants, street beggars and prostitutes, inmates of bawdy and disorderly houses and gamblers, and the different kinds of vagrants, as defined by the State Penal Code.

To regulate the inspection and vending of fresh meats, milk, poultry, fish, fruit, vegetables, butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

To make such rules and regulations in relation to butchers as they may deem necessary and proper.

The city council shall have power to prevent the encumbering of the streets, alleys, sidewalks and public grounds with carriages, wagons, carts, hacks, buggies or any vehicle whatever, or with bones, lumber, timber, firewood, posts, awnings, signs or any other substance or material whatever, or in any other manner whatsoever; to compel all persons to keep all weeds, filth and every kind of rubbish from the sidewalks, streets and gutters in front of the premises occupied by them; to require and compel the owners of property to fill up, grade, shell and otherwise improve the sidewalks in front of and adjoining their property; to regulate and inspect the construction and erection of all buildings, and to cause unsafe and dangerous or dilapidated buildings to be made safe or be removed, and to prohibit the use of certain material deemed unsafe; and to regulate and locate the erection of all poles in said city, and to cause the same at any time to be changed or removed, whether telegraph, telephone, electric light, railway or otherwise.

The city council, for the purpose of guarding against the calamities of fire, may prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits in said city as they may designate and prescribe; and may also, within said limits, prohibit the moving or putting up of any wooden buildings from without said limits; and may also prohibit the removal of any wooden building from one place to another within said limits, and may direct, require and prescribe that all buildings within the limits so designated and prescribed as aforesaid, shall be made or constructed of fire-proof materials; and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of 33-1/3 per cent of the value thereof, and may prescribe the manner of ascertaining such damage, may declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such a manner as they shall prescribe and direct; to declare all wooden buildings in the fire limits, which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.

And generally to make and establish all rules and regulations, by-laws and ordinances which may contribute to and promote the better administration of the officers of the said city, as well as for the maintenance of the peace, tranquility of said city, and for the protection of the persons and property of its inhabitants.

The city council shall also have power to pass ordinances authorizing the destroying of clothing, bedding, furniture and buildings infected with the germs of any contagious or infectious disease, when in the opinion of the city health officer the public health requires the destruction of the same, and may also in the same manner authorize the destruction or removal of buildings or other objects, after the same shall have been declared a nuisance by the city council; provided, the city shall pay the value of such property to the owners thereof before destroying the same.

The city shall have power to enforce the observance of ordinances adopted by the city council, either by imposition of penalties to be collected by civil proceedings in suits brought by the city, or by fine and imprisonment, as may be deemed most expedient; provided, however, that no penalty imposed for the violation of any ordinance shall exceed the sum of two hundred dollars, and there shall be only one recovery had for all acts committed previous to the institution of a suit for the recovery of such penalties; and any person or corporation violating an ordinance of the city of Houston, to enforce the observance of which a penalty may have been imposed in lieu of a fine, shall be liable to the city in a civil suit brought for the amount of such penalty in either of the justice courts of precinct No. 1 in Harris county, Texas.

And it shall be the duty of the city council, within six months after the passage of this charter, to have compiled, printed and published in book form, convenient of access by all citizens, all the ordinances of the city which may at the time be in force; and all such ordinances not so published shall thereafter become void; nor shall any ordinance hereafter passed take effect or be in force until the same has been published in some newspaper in said city.

Sec. 37. No person shall erect any building or fence in the city without first obtaining a permit from the mayor and having the lines of his property established by the city engineer; provided, that fences may be constructed on interior lines without such permit, and the lines of property not subdivided into lots or blocks may be established and fences built thereon without such permit; but all permits for building houses or fences shall be issued by the mayor or city engineer free of charge.

Sec. 38. The city council may provide, own and maintain water works for the use of the city and the inhabitants; and for this purpose may issue and cause to be issued the bonds of the city in such

sums as may be requisite and necessary, which bonds shall bear interest at the rate of not exceeding 6 per cent, and shall not be sold at less than par. The city council, by resolution, shall fix the denomination of such bonds and the date of their maturity; provided that no such bonds shall be issued or sold until a plant of sufficient capacity has been contracted for, and then only a sufficient number of bonds shall be issued to cover the actual cost of construction or purchase.

In like manner the city council may establish gas works or electric works, or both, in the discretion of the council, and may issue the bonds of the city of Houston in like manner and under like restrictions as provided in this section for the establishing of water works.

Sec. 39. The city council shall have authority, by ordinance duly passed or enacted, to provide for a system of public free schools and for a public library in the city of Houston, and to this end may make appropriations of the revenues of the city in amounts within the discretion of the council, and may receive donations of books, papers, magazines, periodicals or other property or money for the benefit of and maintenance of such public library.

Sec. 40. It shall be the duty of the mayor, at the last meeting of the city council held in January of each and every year to present to the city council a message containing a statement of the financial condition of the city, including an itemized estimate of the cost of maintaining the various departments of the city government for the ensuing year, and the sums of money which, in his opinion, should be appropriated for the maintenance of such respective departments, together with his recommendations in regard to such appropriation, and in regard to the percentage of taxation, and amount of occupation tax necessary to be levied for such ensuing year.

It shall be the duty of the city council at its first meeting in February of each and every year to appropriate such sums of money respectively for each of the various departments of the city government as said city council shall deem necessary for the proper maintenance of the same during the current year. Such current year shall be deemed to begin on the first day of January previous to such meeting and to end on the 31st day of December next thereafter. Said council at said meeting shall accordingly appropriate a certain sum of money for the use of each of the following departments of said city government, to-wit: Public school department, police department, fire department, street department, bridge department, public health department, salaries of officials not included in appropriations for the foregoing departments, public lights, water works and such other departments as it may be deemed proper to mention, together with an appropriation

for the sum deemed necessary to cover all miscellaneous expenses not mentioned under the head of any special department; and it shall be the duty of the city secretary to keep a separate account with each of such departments, and he shall be prepared at every regular meeting of the city council to give information as to the amount expended and the balance remaining to the credit of any department; and no draft shall be drawn upon or paid by the city treasurer unless the same shows on its face to which of said departments the sum of money named in the same should be charged.

Sec. 41. That the council shall have power and authority to establish one or more markets and market places, and within reasonable hours, not later than 10 o'clock daily, to prevent the sale of fresh meats, game, fresh fish, poultry, eggs, vegetables and such country produce as is usually sold in markets at any place in said city other than said markets and market places so established, or at least eight blocks from such markets so established, and to have full power to act in all matters pertaining to the welfare of the city market, and to collect market licenses and privileges; to rent and lease for such length of time as the city council may determine, not exceeding one year, stalls or stands in said market for the sale of the before mentioned articles, and to regulate and fix the prices at which said stalls or stands shall be rented, and to provide for prompt collection of rent of the same, and to pay all expenses of collection thereof, and for properly caring for and keeping in repair the market building, and for pavement of streets fronting on and adjacent thereto, and for insurance of the same and its contents; and such care, paving, insurance and general keeping of said market houses shall be paid for out of the revenues collected out of said market houses.

Sec. 42. That the market and market privileges of said city may be let and farmed out annually to the highest bidder, at public outcry, at the market house, after ten days notice of the time, place, and terms shall have been published in one of the city papers, and two copies posted in conspicuous places in said market house. The city council shall, before the day of letting, fix upon the minimum sum at which the market and market privileges may be leased for the ensuing year, and publish the same in the public notices required to be given as herein provided, and all bids below the amount named shall be rejected. At least five days before the day advertised for the letting, the mayor shall cause to be prepared the contract required to be signed by the lessees, and the same shall not in any manner be changed or modified within the five days previous to the letting, and said contract, so prepared, shall be open, at the mayor's office, to the inspection of all parties who may desire to see it. A good bond and securities, to

be approved by the city council, shall be required of the lessees, and new additional securities may be required at any time under penalty of forfeiture of contract.

Sec. 43. That the city council may appropriate to such use and purposes as may be deemed advisable such halls and rooms in the upper story of the market house as may not be necessary for public use, and to lease and rent the same from time to time, in the discretion of the council.

Sec. 44. That the city council shall have the power to construct wharves on the banks of Buffalo bayou, within the limits of the corporation, and make such other improvements as may be necessary for the better navigation of said bayou, and for convenience of landing vessels and their cargoes; and to levy contribution upon all such vessels and their cargoes as may land at said wharves, and to demand and collect the same, to defray the expenses of such improvements and repairs.

Sec. 45. That whenever any steamboat or other craft shall sink in the Buffalo bayou above Harrisburg, and the navigation be obstructed thereby, it shall be the duty of the mayor of the city of Houston to appoint three good and discreet commissioners to inspect and examine the same and its condition, and immediately to report, in writing, their opinion, stating whether, in their opinion, the boat or craft sunk can be or is likely to be raised or removed within the space of ten days after their examination; and should they be of opinion that such boat or craft is not likely to be raised so as to open the navigation within twenty days from the time of their examination, then and in that case the mayor and aldermen of the city of Houston may order the removal of such boat or craft so sunk in any manner they shall deem proper, without incurring any penalty for the same.

Sec. 46. That said corporation of the city of Houston is hereby given full power and authority to take such steps to preserve and improve the navigation of the said Buffalo bayou above the town of Harrisburg as they may think proper, and for that purpose they are authorized to levy and collect a tax on all steamboats and other crafts running in said bayou to the city of Houston, for the purpose of improving the navigation thereof; provided, that the power in this section shall not be construed to give said corporation any jurisdiction or control over said Buffalo bayou or the banks thereof, in any manner, beyond or without the corporate limits of said city, except for the purpose of protecting or improving the navigation of said bayou, and shall not give said corporation jurisdiction or control to prevent or interfere with the construction of any railroad

or other bridges, by any company or person, across said bayou in such manner as not to interfere with the navigation of said bayou.

Sec. 47. That the city council, by a vote of the majority of the whole number of aldermen, taken by yeas and nays and entered upon the journal, shall have power to assess, license and tax, hawkers, peddlers, auctioneers, theatrical and other exhibitions, shows, and amusements, billiard tables, nine and ten pin alleys, alleys with any number of pins, public drays, wagons, omnibuses and carriages, grog shops, tipping houses and dram shops, beer saloons (whether for the sale of domestic beer or otherwise), and such other trades or occupations not especially mentioned herein as may be taxed by the laws of the State; but no assessment or license tax levied under this section shall exceed one-half the amount levied by the State for the same period on such profession or occupation, and the same may be regulated, levied and collected in the same manner as said taxes are regulated and collected by the State.

Sec. 48. The city council may continue annually to assess, levy and collect the special tax provided by ordinance passed by the city council of said city on the 24 day of June, A. D. 1888, for the purpose of paying the interest and principal of the various outstanding bonds issued by the city of Houston, and may by ordinance assess, levy and collect annually upon all property, real and personal, in the city of Houston not exempt from taxation such additional tax, not exceeding 1½ per cent ad valorem, as the interest of the city may require, for other purposes; provided that if the council should fail or neglect to pass a tax ordinance for any one year levying the taxes for that year, that the tax ordinance last passed will be considered in force and the failure to pass such ordinance shall in no wise invalidate the collection of the tax. It may also determine when taxes shall be paid by corporations or by individual corporators, and levy, assess and collect from each male citizen of the city over the age of 21 years an annual poll tax of \$1.

All taxes upon real estate shall be a lien and charge upon the property, which lien may be foreclosed and the tax collected by suit in any court having jurisdiction. All taxes not paid within the time prescribed by the ordinances shall bear interest at the rate of 6 per cent per annum. All real and personal property held, owned or situated in the city of Houston shall be liable for all taxes due by the owners thereof, including taxes on real estate, personal property and poll tax. All personal property may be levied upon, seized and sold by the assessor and collector for any taxes that may be due, without further warrant of authority than the production of his tax roll, which sale when made, shall convey a perfect title to the purchaser thereof, or the amount of the tax may be sued for in any court having jurisdiction and a

personal judgment be recovered against the delinquent taxpayer, or against any person to whom the personal property on which the city tax is due has been sold, or who owns, holds and claims possession of said personal property.

It shall be the duty of every person owning or holding property in the city of Houston to render to the assessor and collector of taxes at his office in said city, annually, within the time prescribed by the ordinances of said city, a full and complete inventory of all property so owned or held by him, whether real or personal, and to take and subscribe an oath as to the correctness of such inventory, which oath may be administered by the assessor and collector in person or by deputy.

All taxes shall be payable at the office of the assessor and collector, and no demand by him be requisite or necessary to enforce the collection thereof by any proceedings herein prescribed, nor for any taxes due before the passage of this act.

The assessor and collector shall inventory and assess all property which the owners thereof may fail or refuse or may have failed or refused to inventory and assess for previous year, which inventory and assessment, when so made by him, shall be as valid and effective as if made by the owner thereof.

Sec. 49. That the license tax shall be collected by the assessor and collector of taxes, and shall be paid to that officer in current funds of the United States by each and every person or firm owning (owning) such license, and before engaging in any trade, profession, business, calling, avocation or occupation subject to such tax, taking his receipt therefor, which receipt shall entitle him, her or them to a corresponding license, to be issued by the mayor.

And if any person shall engage in any business, calling, avocation or occupation which by an ordinance of said city is subject to a license tax without first having obtained such license, he, she or they shall be liable to arrest and imprisonment and a fine of \$10 for each and every day such violation of said ordinance may continue; and this section shall apply to all persons owing license and failing to pay the same; and the city council may make such further regulations as it deems necessary to enforce the provisions of this section and punish the violation thereof.

Sec. 50. That the city council may and shall have full power to provide, by ordinance, for the prompt collection of all taxes levied, assessed and due or becoming due to said city, and to that end may and shall deem necessary to the levying, laying, imposing, assessing and collecting of any of said taxes, and to regulate the mode and manner of making out tax lists, and inventories and the appraisal of property thereon, and to prescribe the

each that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered, and to fix the duties and define the power of the assessor and collector of taxes.

All taxes due by property owners as appears upon the tax rolls of said city may be collected by suit from delinquents, and foreclosure of the lien thereon in any court having jurisdiction of the same, and any person who shall purchase property incumbered with a lien for taxes, shall be deemed as to such taxes a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he can not interpose any defense which his vendor might not had he continued to be the owner.

The city of Houston has the right to maintain a suit to recover a personal judgment for the amount of the tax due it, and the tax may be collected by sale of the particular property on which it is assessed, by enforcing the lien, or by the sale of that or other property under a judgment of the court, or by seizure and sale of personal property. The assessment rolls shall be taken as prima facie evidence of the statements made therein and that all the prerequisites required by law pertaining to the levying and assessing of taxes have been complied with, and all questions as to misnomer, proper parties to the suit for taxes, misdescription, and to suits against unknown owners shall apply in favor of the city of Houston, and no person shall be permitted to question the same until all taxes due upon the property have been paid. No delinquent taxpayer shall have the right to plead in any court, or in any manner rely upon any statute of limitation by way of defense against the payment of any taxes due from him or her to the city of Houston.

In no case shall the city council or any member of the city council or officer of the city remit, discount or compromise any tax legally due the city. The city shall have equal right to become the purchaser at all sales of property under judgment or otherwise for taxes due it. All taxes shall be due and payable on the 1st day of July of each and every year, and if not paid by the 1st day of January thereafter, the same shall bear interest from the said 1st day of January until paid at the rate of 6 per cent per annum. It shall be the duty of all persons from whom such taxes are due to call and pay the same to the city assessor and collector of taxes at his office in the city of Houston between the said 1st day of July and the 1st day of January next thereafter. Immediately after the 1st day of January in every year he shall be the duty of the assessor and collector of taxes to prepare a roll containing a description of all the property described in the assessment rolls of the next preceding year, that is to say of the year ending on the next preceding 31st day of December, on which the taxes have been paid. Said roll shall be called the

"delinquent roll" and shall consist of a copy from the assessment rolls of so much of the line on which the tract of land or property on which the taxes remain unpaid, as will identify the property and show the amount of tax due on the same.

During the same time that the city assessor and collector shall prepare the "delinquent roll" above described he shall prepare separate statements of tax accounts due the city to be furnished the city attorney, on which to bring suits, which statement shall contain the description of the property, the year for which the tax is due, the amount of tax due; the rate of taxation and the person or persons, estate, firm or corporation who assesses the same, or whether the property is rendered, unrendered or owner is unknown, as appears from the tax rolls, providing that where several tracts of land and different kinds of property are assessed by the same person, firm, estate or corporation, that they may be contained in the same statement, which said "delinquent roll" shall be finished and said statements furnished not later than the 31st day of March of each year; said delinquent roll shall be published during the month of April following, once a week for four weeks in some daily paper published in the city of Houston, and a failure to comply with these provisions by the city assessor and collector of taxes shall be deemed a malfeasance and be cause for impeachment. Upon receipt of the above tax statements by the city attorney he shall, as soon as possible, institute suit in the proper court to enforce the collection of taxes due the city, and shall file suit on all of said statements furnished him by the city assessor and collector of taxes by the next 1st of October after he has received them, and the failure on the part of the city attorney to file suits on said statements by the 1st of October shall be deemed a malfeasance and be a cause for impeachment; but a failure on the part of the city assessor and collector of taxes to prepare the "delinquent roll" or furnish tax statements to the city attorney, or a failure on part of city to file suits within the proper time shall in no wise effect the liability of the delinquent taxpayer, or shall such failure in any manner be relied on by way of defense against the payment of taxes due the city.

The city council shall have full power and authority to provide, by ordinance, for the appointment of a board of appraisement, and to regulate their duties, and to provide for notices to be given to taxpayers to appear before such appraisers; and all determinations of such appraisers shall be final.

The city council shall have full power and authority to provide, by ordinance, that any firm, corporation or person owning (owning) or controlling property in said city subject to a tax, and failing

or refusing to render a list, inventory or appraisal thereof, verified by affidavits, shall be liable to fine, upon complaint, before the recorder, in such sum as such ordinance may provide.

Nothing but current money of the United States shall be collected or received in payment of taxes and licenses due or hereafter assessed; and scrip which may be issued for pavement of streets and construction of sidewalks, which shall express upon its face the purpose for which it is issued; and coupons and scrip made receivable for taxes on the face thereof, shall be receivable for all taxes, except the bond tax.

The city council shall have power and authority to assess and collect a tax on all vehicles belonging to persons residing in said city, or which may be used for traffic or hire in said city, which shall be known as a wheel tax, and require such owners to obtain a license for such vehicles, and to prescribe a penalty for using any vehicle on the streets of the city without payment of such tax and procuring such license, but such tax shall not exceed \$2 per wheel; and provide that all such vehicles licensed under the ordinances in force in said city shall not be required to pay such wheel tax. All sums collected for such wheel tax shall be kept separate by the collector of taxes, and shall be applied and expended exclusively for the pavement of intersections of streets as provided for herein.

Sec. 51. The city council may, by resolution, provide for the payment of taxes at any time before such taxes shall become due, and may allow interest upon advance payment of taxes at a rate not to exceed 6 per cent per annum for the time intervening between the time of such payment and the time when such taxes would be due and payable; provided, that no such resolution shall be passed, nor such interest allowed, except for the purpose of raising money to meet the current expenses of the city for legitimate purposes. Such resolution shall state the amount of money sought to be raised by this means, and when said amount has been received, the assessor and collector shall immediately notify the mayor and city council that the amount called for in the resolution has been received, and the city shall not pay interest on moneys subsequently paid in for taxes of that year. In receiving moneys for taxes in advance, under the resolution provided for herein, the assessor and collector shall allow the tax payer to retain out of such payment the amount of interest allowed thereon, and shall give his receipt for the whole amount, showing what sum is actually paid in and what sum is allowed as interest on such payment.

Sec. 52. That the said corporation shall not be liable to any person for damages for injuries caused from streets, ways, crossings, bridges or sidewalks being out

of repair from gross negligence of said corporation, unless the same shall have remained so for ten days after special notice, in writing, given to the mayor or street commissioner.

Sec. 53. That it shall not be necessary in any action, suit or proceedings in which the city of Houston shall be a party that any bond or security shall be given, but all actions, suits or proceedings shall be conducted as if such bond or security had been given.

And in all judicial proceedings it shall be sufficient to plead any ordinance of the city by caption without embodying the entire ordinance in the pleadings, and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit and shall have the same force and effect as the original ordinance.

The property, real and personal, belonging to the city, shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city, in the hands of any person, be liable to garnishment, nor shall the city, or any of its officers or agents, be required to answer any writ of garnishment.

Sec. 54. That the following property shall be exempt from taxation, to-wit:

All lands used exclusively for graveyards, or grounds for burying the dead, except such as are held by any person, company, or corporation with a view to profit or for the purpose of speculation in the sale thereof; all buildings belonging to institutions of purely public charity, together with the lands belonging to and occupied by such institutions, not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustaining such institutions, together with such other property as is exempt from taxation by the laws of the State of Texas.

Sec. 55. That no person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant or freeholder in the city of Houston, in any action or proceeding in which said city may be a party interested; and all officers of said city shall be exempt from jury service while holding office.

Sec. 56. That the city council shall annually appoint, by ballot, one person from each ward of the city, who, together with the mayor as president thereof, shall constitute a board of health of the city. The city council may appoint a health physician, and as many health inspectors as they may deem necessary, and shall prescribe by ordinance the powers and duties of the board and its members; and the secretary of the city thereof, shall constitute the board of health, and shall keep a record of their proceedings.

Sec. 57. That the city council shall have power to take such measures as they deem effectual to prevent the entrance of any pestilential, contagious, or in-

fectious disease into the city; to stop, detain, and examine for that purpose any person coming from any place infected or believed to be infected with such diseases; to establish, maintain, and regulate pest houses or hospitals within the city, or not exceeding five miles from its bounds; to cause any person who shall be suspected with any disease to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel, or property of any kind which shall be suspected of being tainted or infected with pestilence; to prevent persons from infected places coming into the city of Houston, and to adopt any sanitary measure whereby the health of the city may be protected and improved; but said corporation shall not have power or authority to prevent railroad trains and passengers therein from passing through the city but may regulate the speed of such trains passing through, and prevent their stopping.

Sec. 58. That all works of improvements and public works for said city, the cost of which will exceed the sum of \$1000, shall be let out to the lowest or best bidder, in the discretion of the council, by sealed proposals; and no contract shall be made or entered into until the plans and specifications (for) such work or improvement shall have been prepared and submitted to the council and adopted by it, and an advertisement published in at least four issues of some daily paper published in the city, inviting bids therefor, and stating the time when such sealed proposals will be opened; provided, that if no bids be received, or those received be rejected by the city council, the city may, in its discretion, proceed to have such work or improvement done under the discretion (direction) of a committee from the membership. City printing and all repairing of bridges or other similar work, of which it is manifestly impossible to make specifications, are not embraced in this requirement. No bids shall be considered unless made in accordance with the plans and specifications, and no allowance for extra work shall ever be made or paid for. The sealed proposals shall be addressed to the city secretary, and shall be opened only in the presence of the city council at a regular meeting. Bond and security, to be fixed and approved by the city council, shall be required of all contractors.

The taking of any contract or interest therein, openly or secretly, directly or indirectly, by any officer of the city, shall, ipso facto, work a forfeiture of the contract, and the consideration thereof, and shall create a vacancy in the office held by the party taking the same.

Sec. 59. The city council shall have power and authority to issue bonds for the purpose of funding bonds of the city of a previous issue, and also for street improvements as provided in section 30 of this act, and in addition thereto may also, by a vote of two-thirds of all the aldermen elected,

borrow money on the credit of the city for other purposes to an amount not to exceed one hundred thousand dollars in any one year, and issue bonds of the city therefor.

To create a debt during any one year exceeding one hundred thousand dollars, exclusive of refunding and street improvement bonds, as above authorized, the question must be submitted to the tax paying voters of the city, and if two-thirds of the votes polled shall be in favor of creating such debt, it shall be lawful for the city council to authorize the issuance of the bonds for the amount named in the resolution or ordinance submitting the question to the voters.

No bonds shall be issued drawing more than 6 per cent per annum interest, and shall be invalid if sold for less than par, and all bonds shall express upon their face the purpose for which they were issued.

The ordinance authorizing any bonds to be issued shall also provide a fund to pay the interest and create a sinking fund of at least 2 per cent thereon, and said sinking fund shall be invested in bonds of the city, or in United States bonds, and neither said interest nor sinking fund shall be diverted to any other purpose whatever.

Sec. 60. That the city council shall make all necessary regulations concerning elections, and provide for officers to conduct the same, and for the examination and counting of the returns of elections.

Sec. 61. That the general election of officers of the city shall take place on the first Monday in April, 1896, and every two years thereafter, and the present incumbents shall hold over until their successors, elected at the first election, shall qualify. No election of city officers shall be held on the day of State or county elections. The city council shall have the power and authority to declare by ordinance, duly passed sixty days before the day of election, that the officers to be elected at the approaching election shall hold their office for four years instead of two.

Sec. 62. That an act entitled "An act to consolidate in one act and amend several acts incorporating the city of Houston, in the county of Harris," passed August 2, 1870, and all other acts relative to the incorporation of the city of Houston in conflict with this act, be and the same are hereby repealed; but all property, actions, rights of action, claims and demands of every nature and kind whatever vested in said corporation under and by virtue of the said laws hereby repealed, shall vest in and remain and inure to the said corporation under this act, as fully and completely in all respects as if the said laws had not been repealed; and all by-laws and resolutions and ordinances made and passed under or in pursuance of said laws hereby repealed shall continue and remain in full force and effect until re-

pealed by the proper authorities of said corporation.

Sec. 63. That this act shall be deemed a public act, and judicial notice shall be taken thereof in all courts. No general law hereafter passed by the legislature of the State shall be held to repeal any power herein granted, or which is now vested in the corporation of Houston, unless the act conferring such power be specially referred to in such repealing act.

Whereas, There are no adequate laws in force providing for the paving, improving and repairing of the streets and sidewalks of the city of Houston, there exists and imperative public necessity for suspending the constitutional rule requiring bills to be read on three several days; and an emergency exists which requires this act to take effect from and after its passage, and it is so enacted.



1870

1871

1872

1873

1874

Will E. Sessum

Will E. Sessum

Received from John Kennedy  
by Mary Brown Feb. 22,  
1895, as proposed assessments  
to city charter