MEMPHIS APPEAL

BY

GALLAWAY & KEATING.

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WEDNESDAY, JANUARY 15, 1879

REPEAL OF THE CITY CHARTER.

The action of the city council, on Monday night, favoring the abolishment of the city charter, was yesterday made the subject of general discussion and general indorsement. The editorial which appeared in the APPEAL yesterday, approving the action of the council, was written with a heavy heart. Indeed, we never indited an editorial that occasioned us more sorrow. But we had to select between a tax-ridden people, struggling under a load of taxation swollen to such monstrous proportions that it was eating out their substance, paralyzing their industry, filching from honest toil all the rewards of its fatigue, and the avarice of the bondholders, who proposed to make slaves of them, and we did not hesitate as to our duty. The creditors of the city are familiar with the condition of our city. They know that much of the debt is the product of unwhipt knavery; they know that a thousand causes have conspired to depreciate city values and all the resources for raising taxes. They were begged and implored to fund their debt and to spare the unproductive property, the hard earnings and the toil of a people wrestling with accumulated misfortunes; but they flocked around the city council like buzzards around carrion, croaking like the insatiate daughter of the horseleech, "Give! Give!" The bondholders have overreached themselves. They have killed the goose that laid the golden egg. They will find that their oppression will be the means of sweeping from existence the city charter by the breath of an aroused and indignant people. And these money-sharks have the assurance to talk about *"honor!"* There is more dishonor in cheating the people out of their liberties, and making them toiling slaves by enforcing the payment of bonds, many of them polluted with corruption, venality and fraud. The money-sharks propose to set their iron heels upon the necks of the people of Memphis and to grind them into the earth. But, thank God, the legislature of Tennessee is composed of men of heart and justice, who will see to it that the tax-paying people of this city are rescued from a taxation so onerous that it destroys commerce and trade, confiscates property, bankrupts all alike. If the people cannot secure a repeal of the city charter, future mandamuses will necessitate a system of taxation which will operate as a perpetual mortgage upon the property, the toil, and the hard earnings of the people, and as a necessary consequence, convert them into practical slaves. The issue is simply the ty. We cannot assent to the perpetual enslavement of the people of Memphis, and therefore favor a repeal of the city charter.

SENATOR CLAPP'S RESOLUTION.

The resolution introduced in the senate on Saturday last by Hon. J. W. Clapp, one of the senators from this county, is eminently wise and appropriate, and should receive the sanction of both branches of the legislature. Any proposition emanating from the creditors of the State should receive the prompt and respectful consideration of the legislature. The creditors of the State fully appreciate the "impoverished condition of our people," the "loss and shrinkage of property values, the stagnation of trade, the want of employment," so forcibly recounted in the resolution of Senator Clapp, and we believe they will not hesitate to propose a liberal adjustment, based upon the ability of the people to pay. Circumstances entitle Tennessee to special consideration. Much of the debt was contracted previous to the war, and the property in negroes which gave our people facilities for paying taxes was destroyed. Tennessee suffered far more than her immediate sisters in all material respects from the war. Invasion touched other southern States at some few points or swept over them. But from the battle of Shiloh to the surrender Tennessee was a camp by turns, and a battleground over her whole extent, which stripped the State bare of resources, and the work of repair which has been going on since, has been like the reclamation of a wilderness. The people of Tennessee, notwithstanding these misfortunes, were determined to preserve the credit of the State. But the misfortunes so tersely and graphically described in the resolution introduced by Senator Clapp, have rendered our people incapable of meeting their engagements. Something has got to be done, and the resolution of our distinguished senator opens the door for doing that something. It is useless to longer shirk and to evade the question. There is grounds for believing that reasonable terms can be obtained, and it is hoped the resolution introduced will be the means of making a satisfactory adjustment. As Senator Clapp says in his resolution, the subject of our indebtedness should be "adjusted upon an equitable basis and withdrawn from the arena of politics." Now is the time to end this question. Long enough has it troubled the rest of good citizens; long enough has it driven capital and labor from a State rich in natural resources. Suspense is injurious to the people. The State is suffering by having its credit made the prolific source of comment at the commercial centers. How can Tennessee boast of her vast resources, for the purpose of encouraging emigration, when she is now depreciating them, with a view of evading any payment at all on the State debt? We greatly need accessions to our population. We will receive none until the State-debt question shall have been taken "from the arena of politics."

DELEGATE CANNON, the Mormon representative from Utah, in an interview with the correspondent of the Chicago *Tribune*, said that there is great consternation in Utah over the decision, as it declares the wives of a great many of their people, who married in a religion in which they believe, merely concubines, and their children bastards. He also said that his people would accept this decision as final, and would not, he thought, contest the matter further. If polygamy was a crime against the laws of the United States, of course the people of Utah would not continue to practice polygamy. He was of the opinion there would be no more polygamous marriages from this date, and he hoped that congress would pass a law to prevent this decision from having a retroactive effect upon those who had married prior to January 6th—the date of the decision—to live as they had been living until their death, and that only those who married more than one wife hereafter should be prosecuted.

MR. S. S. COX, of New York, states that it is his purpose to perfect his census bill in committee, and, if possible, have it passed this session; though, he says, it will not hurt if it goes over, provided it passes before the holidays next congress. The census is to be taken as of the first of June, 1880, and concluded in a month. In New York and other cities of over ten thousand inhabitants it is to be taken within a fortnight, so as to make it as near a photograph as it can be of the condition of the country. The main feature of the bill is that it provides for special, experienced men to gather the facts of our resources and business, labor, wages, transportation, insurance, debts, etc. If it be passed, Mr. Cox says, we may hope for more intelligent legislation, State and national, and a new advance in American social science.

THE Washington correspondent of the Baltimore *Sun*, states that the Republican senators, at the first auspicious opportunity, purpose opening the Butler-Corbin case. The report of the majority of the committee on privileges and elections, declaring Corbin entitled to the seat, has been ready for some time, and action will be called for on it. When Mr. Butler was admitted as senator from South Carolina, with Senators Conover and Patterson both voting for him, he had but one majority. If the case is brought up now, Mr. Sharon's vote against Mr. Butler will make it a tie, and the casting vote of Vice-President Wheeler will give the seat to Mr. Corbin. This is the Republican calculation, but it is possible the calculation may be at fault.

THE Washington correspondent of the Cincinnati *Enquirer* regards Thurman's position as one which puzales him and his friends not a little. If he should make the gubernatorial race and fail, his higher ambition would be dwarfed. If somebody else should make it and fail, the loss of the State will be charged to his refusal to lead the Democratic hosts. If any other Democratic candidate should win, there are plenty to say that the victory should not be ascribed to Thurman, but to the person who actually led the ticket.

ANOTHER evidence of prosperity is furnished by the Nashville *Banner*, which states that four gentlemen from Pennsylvania, with a combined capital of fifty thousand dollars, have lately visited Sand mountain for the purpose of selecting a sheep farm. They express themselves as being well pleased with the situation, and are negotiating for the purchase of several thousand acres. The extremely low price at which the land can be bought, and its freedom from diseases, makes it valuable for cattle and sheep raising.

THE election of a United States senator by the Wisconsin legislature comes off on the twenty-first instant. The present senator (Howe) is the candidate of the office-holders, those who want office are at work for E. W. Keyes, postmaster of Madison, but the people at large are in favor of Ex-Senator Matt Carpenter. There are several dark horses, but none of them are considered in the race.

A SPECIAL from Springfield to the Cincinnati *Enquirer* narrows the contest for the Illinois senatorship to Logan and Oglesby, in which event "Logan's success would seem absolutely and irrevocably assured."

MONTGOMERY BLAIR thinks the next President will be either Grant or Tilden. The Montgomery Blair opinion upon anything is not worth the paper it is written upon.

OUR IRON TRADE.

The Product of Pig Iron in the United States Nearly Two and a Half Million Tons during Each of the Past Two Years —Other Interesting Statistics.

PHILADELPHIA, January 13—The report of the condition of the American iron trade for the past year has just been completed. It states that the product of pig iron in the United States in 1877 was 2,314,585 tons, and in 1878 2,562,000 tons. Pennsylvania shows an increase of over 100,000 tons, while Ohio shows a decrease of over 50,000 tons. In 1878 Pennsylvania made more than 50 per cent. of the total production of iron in the United States. At the close of 1877 there were in the United States 716 blast furnaces, of which 270 were in blast and 446 out of blast. At the close of 1878 there were 700 furnaces, of which 290 were in blast and 410 out of blast. The stocks of pig iron on hand and unsold at the close of 1877 amounted to 642,251 net tons; at the close of 1878, about 516,000 tons. At the close of 1876 the stocks amounted to 688,798 tons. The production of 1878 was increased about 70,000 tons, the stocks decreased about 126,000 tons, and the consumpt on increased about 195,000 tons. Ten out of eleven steel works were busily engaged in the production of steel rails during the entire year. Putting the iron and steel rail products of the year together, we have in round numbers a total of 930,000 net tons as the rail product of the year. This product has only once been exceeded in our history—in 1872—when the product reached 1,000,000 net tons. In 1879 we will probably equal even that immense product.

GRANT AND B'KEE.

The Proprietor of the Globe-Democrat Ardently in Earnest in Pushing the Man on Horseback for a Third Term.

From an Appeal Correspondent.)

ST. LOUIS, January 13.—A stranger is struck with the misnomers of the two principal papers in this city, though the St. Louians have ceased to notice it. The *Globe-Democrat* is a red-hot radical paper, and in favor of Grant for another term, if not for life. The *Republican* is a staunch Democrat in principle, hating Grantism with all its might. One feels a great inclination to bring about a swapping of names or an exchange of copies, so that these two organs may in reality be what their cognomens indicate.

M'Culough, editor-in chief of the *Globe-Democrat*, is a little, smooth-faced fellow, who looks as if more of the good things of this life fell in his way than the hard lines of an editorial sanctum. The principal proprietor, M'K e, of crooked whisky fame, is the jolliest old man, round and oily, as if swimming in the liquifies of life. His face shakes a little with the palsy; his mustache and beard are of a grayer tint than before his trial.

"Take a seat, sir; take a seat," he said in the jolliest way, as we entered his sanctum, and where he sat puffing away at a cheroot *la* Grant. Something was said about the Grant movement. The great whisky man fired up in a moment:

"I tell you, sir, Grant is bound to be elected—bound to be. My paper started the cry for Grant six weeks before any other journal came out, and see how the cry has swelled, almost to a national roar. Mark my words—Grant will be our next President, and the south will help elect him."

The writer did not see it in that light, and gently hinted a few doubts that southerners were Democratic and the negroes were fast going into the Democratic ranks, and the south had as well face the fact.

"Yes, the south is called Democratic now. Wait. Many changes will be made before the next election. Even your State—Tennessee will go for Grant. Look at the beginning made in some county in West Tennessee."

"Shelby?"

"Yes, the Nationals carried their ticket. That settled the Democracy of Tennessee."

"But why should the country want Grant again after all his mistakes and mismanagements?"

The great whisky man puffed away at his cigar before replying, his countenance a shade less radiant.

"The east can't give us a President. The other belongs to the west this time. Blaine is too far east; this sets him aside. Conkling is eastern; he goes overboard. Grant is western and central. He's from Illinois. The south and west will vote for Grant. New York and Pennsylvania also. California will go with him. Why, d—n it! he (Grant) is called, emphasizing with a hard slap on his dubious listener's knee,) man who have we got half as good as Grant?"

Of course, this was a knock-down argument, notwithstanding a "solid south," and a good portion of the north, might not accept its conclusions with the sanguine ardor of the *Globe-Democrat* owner. We let that pass and murmured something of the Geiger column smash.

"Did the secret of that lie, some years ago, the Irish Catholics wished to present an address to President Grant, and he refused to receive it, except through the British minister?"

"Will the Irish join the Democracy?"

"Yes, the Democratic party has lost its power. I was a Democrat once. In old Benton's time all of us were good Democrats."

With this Mr. M'Kee went off in enthusiastic encomiums of old Tom Benton.

"Benton was rough but great. Webster was vacillating, Clay had some bottom, but Benton was great."

In conclusion, this big, jovial, smoking-c'd fellow, who, whiskey his proclivities for whisky frauds, seemed to be full of the milk of human kindness, generously gave me good-by advice.

"Now, young man," he said, between the puffs of his cigar, "you just follow grandy's policy, and all your s-ee-life will be blessed."

Which "good" advice the present writer will be slow to take.

TEXOD.

MEMPHIS.

(CONTINUED FROM FIRST PAGE.)

and documents. The powers of the legislative council are restricted to the business alone of making ordinances, or local laws, for the taxing district, except as hereinafter provided.

POWERS OF POLICE AND FIRE COMMISSIONERS.

Sec. 5. *Be it further enacted*, That the board of fire and police commissioners shall consist of three commissioners, who shall be at least thirty years of age, residents of the county at least five years before their appointment and election, and inhabitants of the taxing district. One of said commissioners shall be appointed by the governor of the State, by and with the advice and consent of the senate; one shall be chosen by the county court of the county in which the taxing district is situated, and one shall be elected by the qualified voters of the taxing district, at an election to be held by the sheriff of the county for the purpose as other popular elections are held. They shall hold their offices for a term of two years. The commissioner appointed by the governor shall be president of the board of fire and police commissioners, and shall be the chief executive officer of the taxing district. He shall receive a salary of two thousand four hundred dollars per annum, and shall devote his entire time and attention to the duties of his office. Each of the other commissioners shall receive a salary of two hundred dollars per annum.

The governor shall appoint within ten days after the passage of this act; the county court shall elect at its first term thereafter; and the sheriff shall, as soon as this act passes, give notice and hold an election for the other commissioner. Provided, however, that where the charter of any municipal corporation shall not have been abolished or surrendered at the time this act takes effect, then said appointments and said election shall take place as soon as practicable after the abolition or surrender of the charter. If the senate is not in session at the time of the appointment, the governor shall make the appointment, and the commissioner so appointed shall act in the interim until the next meeting of the senate, when his name shall be submitted for ratification. The commissioner appointed by the governor may be removed by the governor for malfeasance in office, and any vacancy occurring in the office of said commissioner, from any cause, may be filled by the governor *ad interim*. Said commissioners shall establish rules for their own government, and shall hold stated meetings for the transaction of business, and may employ a secretary to keep a full record of all their proceedings, at a salary not exceeding eight hundred dollars per annum.

Each commissioner, before entering upon his duty shall take an oath that he did not seek the appointment, and that he is not under, and will not come under, any direct or indirect obligation to appoint any person to the office of policeman or fireman, or other employe, and that he will faithfully discharge the duties of the office. The said police commissioners, any two assuring, shall have the power to appoint all officers and subordinates in the police and fire service, including the chief of police, and to suspend and discharge the same at will. As soon as said police are appointed, a list shall be furnished the chief of police, and the policemen are thereafter to be under the control of the chief of police, unless removed by the board of commissioners. The day and night police, exclusive of the chief, shall consist of one policeman to every fifteen hundred inhabitants by the Federal census of 1879. The police commissioners are authorized to adopt rules and regulations of general discipline, which it is the duty of the chief to enforce. The said commissioners, any two assenting, shall appoint the chief of the fire department and all subordinates, and suspend and discharge the same at will. As soon as the firemen are appointed, a list shall be furnished the chief of the fire department, and the firemen are to be thereafter under his control, unless removed by the board of commissioners. The commission is authorized to adopt rules of discipline, which it is the duty of the chief to enforce. The commission shall employ no more men in the fire department than are absolutely necessary to successfully manage the engines, hook and ladders, hose carriages, etc., required for the extinguishing of fires.

Sec. 6. *Be it further enacted*, That, in addition to the other duties prescribed for the fire and police commissioners by this act, they shall exercise supervision over the paving and repairs of streets, the construction of drains and sewers and other sanitary works, bridges, wharves, and the lighting of the city, and may, for this purpose employ a competent civil engineer, at a salary not exceeding two thousand dollars per annum; and shall have power to enter into all necessary contracts for all of said works, subject to the limitations and restrictions of this act.

Sec. 7. *Be it further enacted*, That there shall be appointed and elected five discreet persons, who shall be the supervisors of public works, and constitute a board of public works; one of whom shall be appointed by the governor at the same time and in the same manner he appoints one of the fire and police commissioners; one of whom shall be appointed by the county court at the same time and in the same manner it appoints one of the commissioners of fire and police; and the other three shall be elected annually by the qualified voters of the taxing district, on the first Tuesday in April.

The members of said board shall be residents of said district for not less than five years immediately preceding their election, and not less than twenty-five years old, and chosen for their well known integrity and capacity for the duly required of them. They shall serve without compensation. The election shall be held by the sheriff of the county, in accordance with elections are held. The members of said board, before entering upon the discharge of their duties, shall, severally, take an oath before the clerk of the county court that they will faithfully and impartially discharge the duties of their office, and that they will not become interested, directly or indirectly, nearly or remotely, for themselves or for others, in any contract for work, materials, or supplies, or service, or purchase, made by the fire and police commissioners.

The said fire and police commissioners shall, in every case, before entering into any contract for any purpose, advertise daily, for one week or more, for sealed proposals for the work to be done, materials to be furnished or service to be performed, and shall open all the bids on the day named in the advertisement, in the presence of a quorum of not less than three of the members of said board of public works, and shall enter said bids, with the names of the bidders, in a book to be kept for that purpose, which book shall at all times be open to the inspection of the tax-payers, and every bid shall remain at least one week open for canvass and discussion after the opening, before any contract shall be awarded under it, and after that time the award shall be made, if at all, to the lowest responsible bidder, who shall, in all cases, be required to give ample bond and security for its performance, the bond and security to be approved by the supervisors of public works, and the fire and police commissioners who sign the contract.

But no contract shall be made which does not receive the assent of at least two of said police and fire commissioners, and at least four of the members of said board, and all contracts of every description shall be in writing, and shall be signed by all the commissioners assenting thereto, and be approved in writing by all the members of said board assenting thereto, and be signed as well by the other contracting party, and shall be recorded in full in a well-bound book, and open to the inspection of the tax-payer at all times. The fire and police commissioners shall, in every case, before advertising for proposals, submit to the said board a statement in writing, with estimate of cost of the proposed work to be done, material to be furnished, or service to be rendered, and unless the same receive the written sanction of at least four members of said board, it shall not be advertised nor undertaken. Said written sanction to be indorsed on the statement and estimate made by said commissioners, and to be kept on file in their office.

The said board shall hold stated meetings for the transaction of business. It shall be a felony for any member of said board, or any member of said commission, to become interested, directly or indirectly, nearly or remotely, in any contract of any kind made in behalf of said district, and upon conviction, the guilty party shall suffer imprisonment in the State penitentiary at hard labor for not less than five nor more than ten years, and shall be forever rendered infamous and ineligible to any office of honor or profit in this State.

THE SHERIFF TO HOLD AN ELECTION.

Provided that it shall be the duty of the sheriff to hold the first election for supervisors of public works, as soon as this act takes effect, as to all communities to which this act applies, and whose charters are abolished at the time it takes effect.

PAY OF POLICE AND FIREMEN.

Sec. 8. *Be it further enacted*, That said police and fire commissioners shall fix the pay of policemen and firemen as follows: Chief of police, not exceeding $100 per month; chief of fire department, not exceeding $100 per month; captain of police, not exceeding $70 per month; captains fire department, not exceeding $70 per month; policemen and subordinates, not exceeding $60 per month; firemen and subordinates, not exceeding $60 per month.

TAXATION.

Sec. 9. *Be it further enacted*, That an annual tax is hereby levied on all the taxable property, real and personal, including merchants' capital, bank stocks, and other stocks subject to tax, within the territorial limits of such taxing district, as follows, viz.: 18 cents on the $100, to defray the expenses of the police department; 15 cents on the $100, to defray the expenses of the fire department; 10 cents on the $100 for lighting streets and public buildings; 8 cents on the $100, for maintenance of public schools; 50 cents on the $100 for the repair and paving of streets and bridges, and construction of sewers, drains and sanitary purposes; and an annual tax upon all privileges exercised within said limits, equal to one-half of the tax imposed thereon for State purposes, said privilege tax to be applied to the paving of streets and construction of sewers, or drainage of said territory; *provided*, the merchant whose ad valorem tax, imposed under this act on his capital invested, exceeds the privilege tax paid by him for that year, shall be entitled to have the ad valorem tax credited by the amount of the privilege tax so paid; and the merchant whose ad valorem tax, imposed under this act on his capital invested, is less than the privilege tax paid by him for that year, shall be released from the said ad valorem tax for that year. All money derived the United States marine fund shall be paid over to the county trustee for hospital purposes. All money derived from fines and forfeitures, market rents and inspection fees, shall be paid over to the said trustee, and held for the payment of salaries of commissioners, engineer, printing, sanitary and other expenses. And a poll-tax of one dollar upon all taxable polls, which shall be used for hospital purposes. Said taxes shall be collected by the county trustee, in lawful money of the United States, as other State taxes are collected, each fund by him to be kept separate, and to be paid out by him for the purpose specified, upon joint warrants of two of said commissioners. In no case shall the fund collected for one purpose be used for any other; nor shall said commissioner issue any warrant, unless the money is in the hands of the trustee at the time to redeem it, under penalty of being personally liable for the amount, recoverable by the holder of the warrant. The tax levied under this act for the year 1879 shall be due and collectable immediately.

WHARFAGE TAX ON BOATS, ETC.

Sec. 10. *Be it further enacted*, That there is hereby levied a wharfage tax upon all steamboats and other water-craft landing at such territory, to grade and pave such wharf and keep the same in proper and safe condition for use, as follows, viz.: All steamboats, barges, and hulls used as barges, shall pay five cents per ton, which shall entitle them to the privileges of the wharf and landing to receive and discharge freight and passengers for a period of six days, and two cents per ton for each day they remain after six days—except such steamboats as make two or more trips per week, they to pay half the above rates each trip, but in no case shall they be required to pay in the aggregate more than is paid by boats of same tonnage for same time—provided that all steamboats, barges and hulls that remain at the landing six hours or less shall pay the following rates of wharfage: For 100 tons and under, $5; from 100 to 200 tons, $6; from 200 to 300 tons, $7; from 300 to 400 tons, $8; and $2 additional for each 100 tons over 400 tons, and one-half of above rates for each additional six hours they may remain. All flatboats shall pay $3 for each landing, and $1 for each day they remain at the landing, except Sundays. Said dues shall be collected by the county trustee, and kept by him as a separate fund, and to be expended by said commissioners solely in the improvement and repair of the wharf; to be paid out for that purpose by the county trustee on the joint warrant of two commissioners. Said trustee may employ a deputy to collect wharfage at a salary of eight hundred dollars per annum, to be paid out of said wharfage dues.

ANY DIVERSION OF TAXES A FELONY.

Sec. 11. *Be it further enacted*, That the diversion of any portion of any of said taxes or wharf dues, or other funds from the purpose for which they were levied, by any of the commissioners or by the trustee, shall be a felony, for which the guilty party, upon conviction, shall suffer imprisonment in the penitentiary at hard labor for two years.

CHECKS ON POWERS OF COMMISSIONERS AND TRUSTEES.

Sec. 12. *Be it further enacted*, That said commissioners shall not issue any bonds, notes, scrip or other evidences of indebtedness, and shall in no event contract for work, or material, or service, in excess of the amount of tax levied for such work, material or service for that year; and parties contracting with said commissioners for work, material or service, shall look alone to the tax for that purpose for that year, and no subsequent tax shall be levied to meet any deficit. And no property, real or personal, held by said commissioners for public use, shall ever be subject to execution or attachment or seizure under any legal process, for any debt created by said commissioners, and all taxes due, or moneys in the hands of the county trustee or on deposit, shall be exempt from seizure under attachment, execution, garnishment or other legal process, nor shall said commissioners or the county trustee be liable to garnishment. And said commissioners and said trustee and other governing agencies employed by this act, are expressly prohibited from levying any taxes for any purpose, that power being reserved to the legislature, and no writ of mandamus or other process shall issue to compel them to levy any taxes, nor shall the said commissioners or said trustee, nor the local government created by this act, pay or be liable for any debt created by said extinct corporation, nor shall any of the taxes collected under this act ever be used for the payment of any of said debts.

THE COMMISSIONERS AND TRUSTEE TO MAKE REPORTS.

Sec. 13. *Be it further enacted*, That said commissioners shall make to the governor a biennial report three weeks before the convening of the regular sessions of the legislature, showing in detail all their acts and doings, and all their expenditures in each of the several departments, and the amount of work accomplished in each. And said commissioners shall require of the county trustee quarterly exhibits of his collections and disbursement under this act, and examine his books quarterly to see that they are correct, and the fund properly accounted for. The county trustee shall receive no additional compensation for the performance of the duties imposed upon him by this act, but the service shall be covered by the compensation which he now receives as county trustee and tax-collector.

DISPOSITION OF PUBLIC PROPERTY.

Sec. 14. *Be it further enacted*, That the fire-engines, hose and carriages, horses and wagons, engine-houses, public buildings, public squares, parks, promenades, wharfs, landings, streets, alleys, engineer instruments, and all other property, real and personal, hitherto used by such corporations for purposes of government, are hereby transferred to the custody and control of the said board of commissioners, to remain public property, as it has always been, for the uses to which said property has been hitherto applied.

THE BOARD OF HEALTH.

Sec. 15. *Be it further enacted*, That the president of the board of health shall be appointed annually by the legislative council, upon the nomination of the chairman of the board of fire and police commissioners. The board of fire and police commissioners shall appoint, in addition to the policemen hereinbefore provided for, one other policeman, who shall receive the same compensation as the others, but he shall be detailed by the chairman of said board to act as health officer, and as such shall constitute part of the board of health. There may be, also, a secretary of the board of health, to be appointed by the president of the board of health, and may be allowed for his services a sum not exceeding seventy-five dollars per month. The compensation of the president of the board of health shall not exceed one hundred dollars per month. The expenditure for these salaries shall be borne by the tax provided for the health service.

EXECUTIVE OFFICER OF TAXING DISTRICTS.

Sec. 16. *Be it further enacted*, That the president of the board of fire and police commissioners shall be the executive officer of the taxing district. He shall see that all the laws of the taxing district are enforced, through the heads of police, fire and health service.

DUTIES OF HEADS OF DEPARTMENTS.

The heads of each of these departments shall audit all accounts against it; but before payment they shall be acted upon and approved by the board of police and fire commissioners, which shall hold sessions at least once month, for the purpose of auditing accounts against the taxing districts. All sessions of this board shall be open, and held in any suitable building in the taxing district belonging to the public, or in the county court-room of the courthouse of the county, at such times as the court-room is not being used by the county court.

In case of the temporary absence or sickness of the chairman of the board of police and fire commissioners, the commissioner chosen by the popular vote shall discharge, for the time being, the duties of chairman of the board.

POWERS OF THE COUNTY COURT OVER COMMISSIONERS.

The county court in which the taxing district is located, shall have power to remove either of said commissioners for malfeasance or misfeasance in office, or for habitual drunkenness, or grossly immoral conduct. In case of permanent physical or mental incapacity to serve, or removal from the district, the county court shall declare the office vacant. Vacancies in the office of the commissioner appointed by that body, and of the commissioner elected by popular votes, shall be filled by the county court.

REPORTS OF FIRE AND POLICE COMMISSIONERS.

The board of fire and police commissioners shall render to each quarterly court a tabulated statement of the receipts, accounts and disbursements of all the branches of service of the local government, and of all its official acts for the preceding quarter, which shall be filed and preserved by the county court, and such action may be had thereon as the public welfare may require. The chairman of the board of fire and police commissioners shall furnish all necessary books and stationery for the use of the taxing district, which shall be paid for by him out of the taxes provided for the support of the local government of the district.

ALL TO BE STATE OFFICERS AND AGENTS.

Sec. 17. *Be it further enacted*, That all the officers and agents employed in the administration of said local governments, shall be the officers and agents of the State, so far as all their official acts touching said governments are concerned. Those officers charged with disbursing, safe keeping, or performing any other acts touching the taxes imposed by this act, shall be liable for any and all such breaches of duty touching the same as are other State and county officers in regard to the like services or acts, and may be proceeded against criminally and civilly in the same way, and it shall be the duty of the attorney-general of the district to enforce all such remedies civilly and criminally against the delinquents, just as in case of other State officers.

HOW OTHER EMPLOYES ARE APPOINTED.

Sec. 18. *Be it further enacted*, That the board of fire and police commissioners, in addition to the policemen hereinbefore authorized, may, if necessary, employ such additional policemen, to be detailed for that service, as may be required for taking care of the public parks and squares, and for market masters of the taxing district, not exceeding three.

NON-LIABILITY OF COUNTIES.

Sec. 19. *Be it further enacted*, That the counties in which the taxing districts are situated shall not be liable for damages or injuries to persons or property by reason of defects in the streets or alleys, or other property under the control and within said taxing districts, or for the conduct of those managing the affairs of such district, nor shall such counties be in any manner liable to pay any money on account of such taxing districts.

PRIVATE PROPERTY TAKEN FOR PUBLIC USE.

Sec. 20. *Be it further enacted*, That private property within the taxing districts may be taken for public use in the manner now provided by law for the application of private property to public use.

PUBLICATION OF LOCAL LAWS.

Sec. 21. *Be it further enacted*, That all local laws and ordinances shall be published at least once in some daily newspaper in the taxing district, and no law of a penal nature shall be in force until so published. A digest of the local laws shall be prepared once in three years by direction of the fire and police commissioners, and which may be read in evidence in all the courts of the State, without other proof of the laws contained in such digest.

THE PEOPLE TO SURRENDER THE CHARTER BY VOTE.

Sec. 22. *Be it further enacted*, That, whenever any community, under the government of a municipal corporation at the time this act takes effect, having a population of less than thirty-five thousand inhabitants, according to the Federal census of 1870, desire to be governed by the provisions of this act, the authorities of such corporation shall cause an election of the qualified voters of such municipal corporation to be held, as other popular elections are held, and if, at such election, a majority favor the form of local government contemplated by this act, the officer holding the election shall give his official certificate showing that fact, and it shall thereupon be the duty of the authorities of such municipal corporation to tender, in writing, to the governor a proposal to surrender to the State all corporate power, which shall be accompanied by the said certificate of election. It shall then be the duty of the governor to accept, on behalf of the State, the proposed surrender of the charter. And the governor shall cause the said certificate of election, the proposal to surrender the charter, and his acceptance of the same, to be duly recorded by the secretary of state in the book kept by him showing the organization of corporations under the general law on that subject, and, as soon as such registration by the secretary of state is made, the said community shall be governed by the provisions of this act, and its former organization shall wholly cease to exist for any purpose whatever.

THE RATE OF TAXATION AND ITS COLLECTION.

Provided, that if the rate of taxation imposed by this act should be in excess of what the community thus adopting the taxing district form of government needs for support of its local affairs, or if the regulations provided by this act in regard to the fire and police and health service should be inapplicable to the condition and circumstances of such taxing district; then, and in that case, the board of fire and police commissioners of such district shall have the power to suspend the collection of such of the taxes as may not be needed for the support of the local government, and also to make such regulations on the subject of fire, police and health services as will meet the wants of such taxing district.

RATE OF TAXATION TO BE REPORTED TO GENERAL ASSEMBLY.

Sec. 23. *Be it further enacted*, That it shall be the duty of the chairman of the board of fire and police commissioners, by and with the advice and consent of the chief of police, the president of the board of health, and the supervisors of the board of public works, at least twenty days preceding the meeting of each general assembly, to report to that body the rate of taxation on property and privileges within the taxing district for the two succeeding years which, in his opinion, should be imposed for the use of the government of the taxing district.

POWERS AND FEES OF JUSTICES OF THE PEACE.

Sec. 24. *Be it further enacted* That all justices of the peace within the taxing district shall have jurisdiction over offenses against the laws of the taxing district with power to punish offenders in the manner provided by law. But they shall receive no fees of office for any process which they may issue in the exercise of this jurisdiction, nor shall the county or taxing district or State be made liable for costs incident to the exercise of such jurisdiction.

WHEN THE ACT IS TO TAKE EFFECT.

Sec. 25. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

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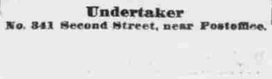

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