

of such person in any public road or highway, or within fifty yards of such public road or highway, he shall be fined not less than \$5 nor more than \$100.

SEC. 35. This act shall be taken notice of by all the courts of the State in the same manner as though it were a general law, and it shall be construed by them as cumulative of all general laws now in force on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to the counties of Jones, Haskell and Taylor.

SEC. 36. From the fact that there is an urgent necessity in Jones, Haskell and Taylor counties for the construction and maintenance of good roads and bridges, and no adequate law, general or special, now exists for such purposes, an emergency is created and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 10, 1909.

Takes effect ninety days after adjournment.

FORT WORTH—GRANTING CHARTER TO.

H. B. No. 576.]

CHAPTER 31.

An Act to incorporate the city of Fort Worth, Tarrant county, Texas, and defining its boundaries and to grant it a new special charter for its local government, to define its powers, and to prescribe its duties and liabilities, creating it an independent school district and vesting the management and control of its schools in a board of school trustees, repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

CHAPTER I.

SECTION 1. All persons, inhabitants of the City of Fort Worth, Tarrant county, Texas, as the boundaries and limits of said city are hereinafter set out and as same may hereafter be extended in virtue of the provisions of this act, be and they are hereby created and organized as a municipal corporation and body politic, and as such subdivision of the State of Texas, are incorporated and shall hereafter be known and designated as the City of Fort Worth, with such powers, rights, authority, duties, privileges and obligations as are hereinafter set out and prescribed.

SEC. 2. The corporate boundaries and limits of the said City of Fort Worth, as constituted and created by this act, are as follows:

Situated in Tarrant county, Texas, and beginning at a point in the south boundary line of the J. M. C. Lynch survey, where said line is intersected by the west bank of the Clear Fork of the Trinity river. Thence, in a southerly direction with the west bank of said river, to the point where said west bank intersects the south boundary line of the

G. Shields survey. Thence, east across said river with the south line of the said Shields survey, and the north boundary line of the E. S. Harris survey, to a point in said line 950 varas west of the northeast corner of the Harris survey. Thence, south through said Harris survey, to a point in the south boundary line of said Harris survey, 950 varas west from its southeast corner. Thence east along the north boundary line of the A. Gauhenant survey to the west boundary line of the J. N. Ellis survey. Thence, south along the west line of the J. N. Ellis survey to the north boundary line of the W. B. Tucker survey. Thence, west with the north boundary line of the said Tucker survey to its northwest corner. Thence, south with the west line of the said Tucker survey, and of the P. M. Truett survey to the southwest corner of said Truett survey. Thence, east with the south boundary line of the said Truett survey and of the Lydia J. Warwick survey to the southeast corner of the said Warwick survey. Thence, northerly with said east boundary line of said Warwick survey to the northwest corner of the Geo. W. Hartzog survey and the southwest corner of the A. Stinson survey. Thence, east along the north boundary line of the said Hartzog survey to a point in the said north boundary line due south of an extension of the west boundary line of the B. F. Waller and James Sanderson surveys. Thence, north with said line extended to the northeast bank of Trinity river and continuing north to the northeast corner of the B. F. Crowley survey. Thence, west along the north line of the B. F. Crowley and the R. Briggs surveys to a point one-quarter of a mile east of the northwest corner of the R. Briggs survey. Thence, north 1200 feet. Thence, west to the west line of the Fort Worth and Denton public road. Thence, north along the west line of said public road to a point north 78 degrees east from the southeast corner of the H. C. Holloway lands. Thence, south 78 degrees west, following the south line of the said Holloway lands to the east bank of the Trinity river. Thence, down the east bank of the said Trinity river to a point east and opposite the north bank of Marine creek, where it empties into the river. Thence, northwesterly along the north bank of Marine creek to the east line of North Main street, where it crosses between Twenty-fifth and Twenty-sixth streets, in the present corporation of the city of North Fort Worth. Thence, north along the east line of North Main street to the south line of the M. C. Jobe survey. Thence, west along the south line of the said M. C. Jobe and Cohn surveys to the east line of the A. T. Card survey. Thence, north to the northeast corner of said Card survey. Thence, west along the north line of the said Card survey to the northwest corner of the same. Thence, south along the west line of the A. T. Card and L. Moore surveys to the north line of the John Childress survey and continuing south to the south boundary line of said Childress survey. Thence, east along the south boundary line of the Childress survey to the northwest corner of the R. O. Reeves survey. Thence, south along the west line of the R. O. Reeves survey to the north bank of the Trinity river. Thence, following the meanderings of said river to the south line of the J. Baugh survey. Thence, eastward along the south line of the said J. Baugh survey to the southeast corner thereof and the northwest corner of the A. Gauhenant survey. Thence, south with the west line of said Gauhenant survey and

the east line of the R. Crowley survey, and the east line of the Wm. Bussell survey, to the west bank of the said Clear Fork of the Trinity river, and following the meanderings of the same to the north line of the J. M. C. Lynch survey. Thence, west with the north line of the J. M. C. Lynch survey 1450 feet to a stake. Thence, south to the west bank of said Clear Fork of the Trinity river. Thence southwesterly with the meanderings of said Clear Fork of Trinity river to the place of beginning.

Inasmuch as the foregoing boundaries comprehend and take in the major part, if not all, of the corporate limits of that certain municipality in Tarrant county, Texas, known as North Fort Worth, and inasmuch as said North Fort Worth has practically been made part and parcel of the municipality of the City of Fort Worth, under the terms of this charter, it is hereby provided that said municipality of North Fort Worth be and the same is hereby expressly dissolved and abolished, and the valid debts, obligations and contracts created by said municipality of North Fort Worth shall be assigned, taken care of and discharged according to their tenor and effect by the said City of Fort Worth, and all debts, obligations and taxes of whatsoever kind or character, and all judgments, choses in action, due or owing the said municipality of North Fort Worth shall be and the same are hereby made payable to the said City of Fort Worth, which said city shall be entitled to collect and enforce the same. And all funds, effects, assets, chattels, property, real, personal or mixed, owned by, belonging to, or claimed by the said municipality of North Fort Worth, shall be and become, and by the terms of this act, the property of the said City of Fort Worth, with the same right and title thereto as heretofore claimed or exercised by the said municipality of North Fort Worth; provided further, that all lawful easements and franchises heretofore granted by the municipality of North Fort Worth shall not exceed the terms of the original grant or the extent of territory for which same was granted, but shall continue valid and unaffected in such territory by the terms of this act; provided further, that all valid and existing franchises heretofore granted by the City of Fort Worth, shall extend to and be in force in the said territory known as North Fort Worth, and to all other territory embraced in these limits or that may be added to same. All persons and all property of whatsoever kind or character, real, personal or mixed, situated in the territory of said former municipality of North Fort Worth shall be and become subject to the jurisdiction of the said City of Fort Worth prescribed and created by this charter with the right on the part of said city to exercise and control the inhabitants and property thereof as though same had at all times been an integral part and parcel of said city.

SEC. 3. Territory adjoining and contiguous to the corporate limits of the City of Fort Worth may be annexed to said city in either one of the two several ways hereinafter specified: (1) Regardless of shape or configuration, territory may be annexed to said city upon the application therefor in writing, describing said territory by metes and bounds, signed by a majority of persons residing within such territory, who are qualified to vote for members of the Legislature of the State of Texas. (2) In the event that an election to ascertain the sentiment of the persons

residing in such territory so seeking annexation be deemed necessary, then the following procedure shall apply, to-wit: On application in writing to the board of commissioners, of fifteen persons, residents and qualified voters of such territory, that a majority of the persons residing in such territory, describing said territory by metes and bounds, are desirous of having same become a part of the municipality of Fort Worth, such application (which shall be in writing) shall be received and considered by the board of commissioners, and if said board deem it proper, then it shall pass a resolution and place the same on record, reciting such application, and order an election to be held within said territory at a time and place or places to be prescribed by said board, and after giving notice for the time and in the way and manner as may be deemed proper by said board of commissioners, the proclamation for such election shall be made by the mayor of the city and he shall also designate the polling places, and also name the election judges and clerks, who shall be selected from the residents of said territory. Only male persons, residents of said territory, who are qualified voters under the laws of the State of Texas, shall be permitted to exercise the right of suffrage at such election. The polls for such election shall be opened from eight o'clock in the morning until seven o'clock in the evening, and the expenses of conducting said election shall be borne by the City of Fort Worth. The ballot to be used therefor shall contain the words "For Annexation" and "Against Annexation," and the voter shall strike out one or the other according as he may be for or against the proposition. Returns of such election shall be made to the board of commissioners by depositing the tally sheets and other adjuncts to the election with the city secretary and thereafter the board of commissioners shall canvass the returns and in the event it is found that a majority of all votes cast at such election are favorable to annexation, then and thereupon the board of commissioners may, by ordinance, declare such territory annexed to the said City of Fort Worth and an integral part of the same. And in the event of annexation, persons residing in such territory shall thereafter be entitled to all the rights and privileges of other citizens of said city and be bound by the acts, ordinances, rules and regulations governing other citizens of said City of Fort Worth. And the board of commissioners shall have power to agree and obligate itself to the citizenship of such territory so seeking admission to apply to the improvements of streets and public grounds in said territory a portion of all of the funds raised by taxation for street improvements for a given number of years, not to exceed five, in so far as the same may be collected from the property situated in said territory and may also have authority if in the judgment of said board of commissioners it should be just and equitable to further agree and obligate itself to apply to the improvement of the streets in said territory during said years, additional sum not to exceed 50 per cent in any one year of the amount that may be collected for such purpose from the property situated in such territory.

SEC. 4. The said City of Fort Worth shall consist of and is hereby divided into ten wards, being the same number now existing in the present corporation, and the boundaries of each of said wards shall be and remain the same as heretofore. But it shall be the duty of the

board of commissioners as soon as practicable after the passage of this act to sub-divide the city anew into wards, designating the same by number and prescribing the same. The board of commissioners shall have the power to change the ward boundaries and add or contract the number of wards whenever it is deemed necessary.

CHAPTER II.

SECTION 1. The governing body of the City of Fort Worth shall consist of a board of commissioners, composed of a mayor and four commissioners, who shall be elected at large from said city by the qualified voters thereof, until the regular election in April, 1911, after which time such body shall consist of a mayor and five commissioners.

SEC. 2. The elective officers of the City of Fort Worth shall consist of a mayor and five commissioners, as above provided, a corporation counsel and an assessor and collector of taxes. Provided, however, that at the expiration of the term of office of the corporation counsel, who shall be elected on the first Tuesday after the first Monday in April, 1909, by popular vote, and in the event of his resignation, removal, disqualification or death, pending such term, the power to select such officer shall reside in the board of commissioners, so that in the election to be held in April, 1911, and thereafter the only persons to be elected by popular vote shall be the mayor of the city and the five commissioners aforesaid, and the assessor and collector of Taxes.

SEC. 3. On the first Tuesday after the first Monday in April, 1909, and at each successive interval of two years thereafter, there shall be elected at large by the qualified voters of the City of Fort Worth, at a general election to be held for that purpose, a mayor and five commissioners, subject to the provisions of Section 1, Chapter 2, a corporation counsel and an assessor and collector of taxes. Said officers shall hold office for a period of two years and until their successors shall have been elected and qualified and at the same time, on the first Tuesday after the first Monday in April, 1909, there shall also be elected at large by the qualified voters of the City of Fort Worth, at a general election to be held for that purpose, a corporation counsel, who shall hold office for a period of two years, and until his successor shall have been elected and qualified. At the expiration of the term of office of said corporation counsel, and in the event of the death, disqualification, resignation or removal of such officer, pending such term, the power to elect and select said officer shall reside, as in the case of all other appointive officers of the City of Fort Worth, in the said board of commissioners. The board of commissioners of said city shall order the general election and shall determine the places in said city for holding the same, and the mayor of said city shall make proclamation thereof, and otherwise said election and the manner of holding same shall be governed by the laws of the State of Texas governing general elections so far as same may be applicable thereto; and in the event there should be any failure on the part of the general laws of the State to provide for some feature of said city election, then the board of commissioners of said City of Fort Worth shall have the

power to provide for such deficiency. The five commissioners to be elected as provided for in this act shall be voted for and elected separately and shall be separately designated on the official ballot by numbering the same "1," "2," "3," "4" and "5." Each person desiring to become a candidate for commissioner as aforesaid shall designate the number of the class to which he desires to become a candidate, and his name shall be printed on the official ballot beneath the number so selected, and each voter shall vote for only one candidate in each such class.

SEC. 4. On the Tuesday following said election, or as soon thereafter as practicable, the board of commissioners then in office shall canvass the returns and declare the election of the candidates receiving the highest number of votes. And in the event it should appear that a tie vote exists as to any two or more of the candidates for any office made elective by popular vote, then a new election shall be ordered as to such candidates and no other, involving the offices to which they aspire, and same shall be held within ten days from and after the declaration of such canvass and the result that appears therefrom, and proclamation of such new election shall be made by the mayor of the city or the mayor pro tem., and such election shall otherwise be governed by the rules and regulations applicable to such election as the same appear elsewhere herein.

SEC. 5. The appointive officers, whose duties shall be prescribed and whose compensation or salary, as the case may be, shall be fixed by the board of commissioners, shall consist of the following, to-wit: A city building inspector, a city purchasing agent, a city treasurer, a city recorder, a city secretary, a garbage officer, a prosecuting attorney for the police court, assistants to the corporation counsel, a chief of police, a chief of the fire department, a secretary of the water works, sewerage and lights, a city auditor, a city physician who shall also be the city health officer, a city electrician, a city plumber, a city engineer, a milk and food inspector and such other officers as the board of commissioners may from time to time ordain and establish, with the right to select the incumbents thereof. Provided, the salary of the city auditor shall not be fixed at a less sum than \$3000 per annum, payable in monthly installments.

SEC. 6. The mayor and each of the said five commissioners shall not be less than 25 years of age, citizens of the United States and for three years immediately preceding their election, residents of the City of Fort Worth, qualified voters and property owners and taxpayers in said city. Other city officers made elective under this act by popular vote shall be qualified voters and bona fide residents of the City of Fort Worth for two years next preceding their election. All of the officers made elective by the popular vote shall within thirty days after the result of the election is ascertained, qualify as required by this charter and the Constitution and laws of the State of Texas, and failing to do so within the said time, such office shall be and become vacant. No person shall be eligible to the office of corporation counsel, whether same be elective by popular vote or appointive at the hands of the board of commissioners, who is not licensed to practice law

in the Supreme Court of the State of Texas, and in the Federal courts.

SEC. 7. A primary election shall never be deemed to be a prerequisite to a general election, but in the event primaries should be held, then the same shall be conducted in accordance with the laws of the State of Texas applying to and governing the same. In case of a primary election held by any political party or organization to nominate candidates for the office of commissioner, the candidates before such primary shall be nominated separately as provided for in general elections, and the names of the successful candidates, before such primary, shall appear on the official ballot at the general election in the class in which he was nominated at such primary.

SEC. 8. *Official Oath.*—Every person elected by the voters of said city or by the board of commissioners to fill any office under this act, shall, before entering on the duties of his office, take and subscribe to the official oath provided by the Constitution of this State; and in addition thereto, that he is not under any direct or indirect obligation to vote for, appoint or elect any person to any office, position or employment in the city government of the City of Fort Worth.

SEC. 9. All officers elected by popular vote, before entering upon the duties of their respective offices, shall give bond in the sum of \$5000, payable to the county judge of Tarrant county, Texas, for the use and benefit of said city, conditioned for the faithful discharge of the duties of the office, which bond shall be signed by the principal and by two or more good and sufficient sureties to be approved by the county judge of Tarrant county, Texas, or bond may be made for an officer by any surety company authorized to transact business in the State of Texas.

SEC. 10. The mayor of said city shall receive as remuneration for his services the sum of \$3600 per annum, payable in equal monthly installments, and each of the commissioners shall receive the sum of \$3000 per annum, payable in the same manner; the corporation counsel of said city shall receive a salary of not less than \$2500 per annum, to be fixed by the board of commissioners, payable in the manner and way as aforesaid; and the assessor and collector of taxes shall receive an annual salary not to exceed \$2500, payable in like manner; provided, that the board of commissioners may pay the assessor and collector, in addition to his regular salary, an amount not to exceed two per cent of all collections upon personal property, within said city in any one year.

SEC. 11. No member of the board of commissioners shall hold any other public office or employment under the government of the United States or the State of Texas, or any county thereof, nor have employment thereunder, nor receive compensation for any other position or office which is paid out of the public moneys of the City of Fort Worth, nor be elected nor appointed to any office created by or the compensation of which was increased or fixed by the board of commissioners while he was a member thereof, nor shall a member of the board of commissioners or any officer of the City of Fort Worth be pecuniarily interested, directly or indirectly, in any contract let by the city, or by the board of school trustees of the independent school district of the City of Fort

Worth, nor in any matter wherein the rights or liberties of the City of Fort Worth are, or may be, involved; nor shall any member of the board of commissioners or any other officer of the City of Fort Worth be interested directly or indirectly in any public work or contract let, supervised or controlled or which shall be paid for wholly or in part by the city, nor shall any such officer or employe become surety for any person on any bond or other obligation of the City of Fort Worth. Any member of the board of commissioners, or any officer or employe of the city becoming interested directly or indirectly as aforesaid, or by commission or retainer or fee or by gift or loan given or received at the time of the transaction or before or after the same, in any contracts, franchise, work, purchase or sale by or with any of the agencies aforesaid or who shall hold stock in any corporation contracting with the city, shall forfeit all right or claim to the title and emoluments of any office which he may happen to hold in said city, and shall be expelled therefrom by the board of commissioners, or, if they shall fail to remove said officer or member of the board of commissioners guilty as aforesaid, he shall nevertheless be subject to removal from the action of any five citizens taken in one of the district courts of Tarrant county in such proceedings as are appropriate and proper.

SEC. 12. *Removal of Elective Officers.*—The board of commissioners shall have the power to remove any elective officer for incompetency, corruption, malconduct, malfeasance or nonfeasance in office, or such other causes as may be prescribed by ordinance, after notice in writing and opportunity to be heard in his defense, under the rules and regulations hereinafter set forth. That whenever charges are preferred in writing under oath or when information otherwise comes to the knowledge of any of the commissioners against any such officer for any or all of the offenses named or provided for above, it shall be his duty, or their duty to have the accused duly served with a copy of such charges, and shall set a day to inquire into the truth of such charges, and shall notify the accused and other members of the said board, and the witnesses for and against the accused to be present, and the said board of commissioners shall constitute a court to try and determine the case, and they are hereby vested with the exclusive jurisdiction to hear and determine said charges, and may continue the investigation from day to day upon proper showing to enable the accused or prosecutor to get material evidence before said board. The accused shall have the right to be heard in person or by counsel, and said board shall likewise be represented by counsel if they desire it. Upon the conclusion of the investigation and argument of the case a vote shall be taken on each charge and specification, and if a majority of all the members of said board vote to sustain either of the charges against the accused, said board shall enter or cause to be entered its judgment, in which shall be recorded the vote of each member of the board upon the several charges and specifications, and an order shall be entered removing the accused from his office and declaring the same vacant. But if the vote is otherwise, the accused shall be declared not guilty, and judgment entered accordingly.

SEC. 13. *Recall of Officers—Procedure for.*—The holder of any elective office may be removed at any time by the electors qualified to vote for

a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 20 per centum of the entire number of persons entitled to vote in said city at said time, demanding an election of a successor of the person sought to be removed, shall be filed with the city secretary, provided, that the petition sent to the secretary shall contain a general statement of the ground for which the removal is sought. The signatures to the petition need not be all appended to one paper, but each signer shall add to his signature, his place of residence, giving his street and number. One of the signers of each such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name purports to be thereunto subscribed. Within ten days from the filing of such petition the city secretary shall examine same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and if necessary the commissioners shall allow him extra help for that purpose, and he shall attach to said petition a certificate showing the result of said examination. If by the secretary's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The secretary shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the secretary shall submit the same to the commissioners without delay. If the petition shall be found to be sufficient, the city commission shall order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the secretary's certificate to the commission that a sufficient petition is filed. The city commission shall make or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, the secretary shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall then be vacant. If the incumbent receives the highest number of votes, he shall continue in office.

SEC. 14. *Vacancy in Office—Resignation.*—Resignation by the mayor or any commissioner elected under this act or any other charter officer created by this act, shall be made in writing to the board of commissioners for their action thereupon. In case of the removal of the domicile of the mayor or any commissioner or any other charter officer from the

territorial limits of said city, such removal shall, ipso facto, be deemed to create a vacancy in his office. In case of any vacancy from any cause in the office of mayor or any commissioner, the same shall be filled by an election for the unexpired term, to be held as soon as practicable after said vacancy occurs and otherwise in the same manner as provided for in Section 3 for other elections; provided, that if such vacancy occurs within six months of the next general election, the board of commissioners may by a majority vote of the remaining members, fill the vacancy for the unexpired term.

SEC. 15. Each commissioner and the secretary of the board of commissioners shall be and are hereby authorized to administer oaths in the municipal affairs and government of the city.

SEC. 16. Said board of commissioners so constituted shall have control and supervision over all the departments of said city, and to that end shall have the power to make and enforce such rules and regulations as they may see fit and proper for and concerning the organization, management and operation of all the departments of said city and whatever agencies may be created for the administration of its affairs. The mayor shall designate from among the commissioners, at the first meeting of the board after their election and qualification, at each election, or as soon thereafter as may be practicable, one commissioner who shall be known as "Police and Fire Commissioner," who shall be the executive officer of his department, and who shall have under his special charge the enforcement of all police regulations of said city and general supervision over the fire department thereof; who shall have the power to employ policemen and firemen, and to discharge them at any time when in his discretion such action will improve the service, and to exercise any power and control over said departments that he may deem necessary for the improvement of the service in said departments; provided, however, his control so exercised shall not be in conflict with other provisions of this act, or ordinance of the city or any rule or regulation put in force by the board of commissioners, and one commissioner to be known as "Commissioner of Streets and Public Property," who shall be the executive officer of his department, and who shall have under his special charge the supervision of the streets, alleys, public grounds and property of said city, except as hereinafter limited by powers conferred on the park commission, and be charged with the duty of keeping the streets and alleys, public grounds, and property clean and in a sanitary condition and with the enforcement of all rules and regulations necessary to these ends, and who shall also have under his special charge the supervision of all public improvements except as herein otherwise provided and shall see that all contracts with reference thereto are faithfully complied with and that the conditions of the grant of any franchise privileges are faithfully complied with and performed; and one commissioner to be known as the "Waterworks, Sewerage and Light Commissioner," who shall be the executive officer of his department, and who shall have under his special charge the construction, maintenance and operation of the waterworks and sewer and light systems and departments of the city, and shall see to the enforcement of all rules and regulations with respect to said departments and with respect to the revenues pertaining thereto; and one commissioner shall be known as the "Commissioner of Finance and

Revenue," who shall be the executive officer of his department, and who shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind, and the collection of all revenue belonging to said city, from whatever source the same may be derived, and who shall also examine into and keep informed as to the finances of the city, and provided that after the regular election in April, 1911, the commissioners shall be designated as above stated, except one of the commissioners shall be designated the "Waterworks and Sewerage Commissioner," and the fifth commissioner who is elected at the time shall be designated as the "Light Commissioner," and he shall have supervision of light systems and departments of said city, it being the purpose of this act to charge each commissioner in control of a department with its management and to fix directly upon him the responsibility for its proper conduct; provided, the mayor shall have the power at any time when in his discretion it is for the best interests of the service in any department under the special charge of any commissioner to recall the appointment of such commissioner, and designate another commissioner as the commissioner of such department, and to designate the commissioner so removed, commissioner over another department.

SEC. 17. *Mayor—Powers and Duties of.*—The mayor shall be the chief executive officer of the City of Fort Worth, and shall see that all the laws thereof are enforced; he shall be clothed with all the authority that is now or may hereafter be vested in a mayor by general law, so far as the same may be applicable and not in conflict with this act. He shall have and exercise such power, prerogative and authority, acting independent of or in concert with the board of commissioners, as are conferred by the provisions of this act, as may be conferred upon him by the board of commissioners, not inconsistent with the general purpose and provisions of this charter, and shall have the power to administer oaths, and shall sign all contracts and shall have the right and authority at any time to suspend any officer or employe of the city, subject to the provisions of this act; provided, however, he shall not have the right to remove one of the commissioners of the city or other charter officer, except by acting in concert with the other members of the board of commissioners when present, and may vote on all question the same as the other commissioners.

SEC. 18. The corporation counsel shall be the chief legal adviser of the city government and shall have entire charge of all litigation of the city, in the county, district and appellate courts of the State and in the courts of the United States government. He shall pass upon the form and validity of all ordinances, resolutions and contracts of the city and shall himself frame the same when required to do so.

SEC. 19. *Claims and Accounts.*—The commissioner named as the head of each department shall audit all accounts or claims against it unless he is absent or fails or refuses to do so, in which event the chairman shall appoint another commissioner to act in his stead during his absence, or to audit such claims or accounts as said commissioner shall fail or refuse to act upon, but before payment all accounts shall be approved by the board of commissioners, and no money shall be paid for any purpose except upon warrant executed by the mayor and attested by the city secretary, upon order of the board, and the commissioners

shall cause complete and full records of all such claims and transactions to be kept by the auditor and city secretary in books secured for that purpose; said board of commissioners shall require a statement to be published in January, April, July and October of each year in the official newspaper of said city, showing a full and clear and complete statement of all taxes and other revenue collected and expended during the preceding quarter, indicating the respective sources from which the moneys are derived and also indicating the disposition made thereof, and of all outstanding bonds and other obligations.

SEC. 20. *Meetings of Board—Special Meetings—Quorum.*—The board of commissioners created by this act shall meet at least once a week in regular meeting at such time as shall be fixed by said board, at the city hall or other designated place in said city to consider and take under advisement and act upon such business as may come before them. Three commissioners, or the mayor and two commissioners of said board shall constitute a quorum for the transaction of all business, but no final action shall be taken in any matter concerning the special department of any absent commissioner, unless such business has been made a special order of the day, or such action is taken at a regular meeting of the board; provided, that no bonds may be issued, nor taxes levied except at a regular meeting attended by at least three commissioners and the mayor or by four commissioners without the mayor. Special meetings may be called by the chairman of the board or by any two members thereof at any time to consider only such matters as shall be mentioned in the call of said meeting, and written notice thereof shall be given to each member of said board; all official sessions of said board, whether regular or called, shall be open to the public.

SEC. 21. *Ordinances—How Enacted.*—The board of commissioners of said city shall be vested with the power and charged with the duty of making all laws or ordinances not inconsistent with the Constitution of this State, touching every object, matter and subject within the local government instituted by this act, and the style of all ordinances shall be: "Be it ordained by the Board of Commissioners of the City of Fort Worth," but such caption may be omitted when said ordinances are published in book form, or are revised and digested under the order of the board.

SEC. 22. *Procedure of Board—Impeachment.*—The board of commissioners shall determine its own rules of procedure in so far as the same do not conflict with this act, may punish its members for disorderly conduct, shall compel the attendance of its members, and with the concurrence of a majority of the members elected, may impeach and expel a member. Any member of the board of commissioners who shall have been convicted of bribery or any other felony or who shall violate any of the provisions of this act, shall forfeit his office and the emoluments attached thereto.

SEC. 23. *Mayor Pro Tem.—Election of.*—At the first regular meeting of the board of commissioners after their induction into office, it shall be the duty of the board to elect one of its members by a majority vote of the board who shall be known and designated as mayor pro tem., and he shall continue to hold the title and the office until the expiration of

the term of office for which he was elected by the commissioners, but he shall receive no extra pay by reason of being or acting mayor pro tem.

SEC. 24. *Mayor Pro Tem.—Duties of.*—If for any reason the mayor is absent from the city, sick or unable to perform the duties of his office, the mayor pro tem. shall act as mayor, and he shall be vested with all the powers and shall perform all the duties of the mayor during such absence or sickness. In case the absence of both the mayor and the mayor pro tem., the remaining commissioners shall elect one of their number to act instead of the mayor or mayor pro tem.

SEC. 25. In case of the death, resignation or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur for any reason, the mayor pro tem. shall act as mayor and shall possess all the rights and powers of the mayor, and perform all his duties, under the official title, however, of mayor pro tem. until an election is ordered by the board of commissioners, to fill such vacancy, as provided for in this act.

SEC. 26. *Investigation by Board.*—The mayor or the board of commissioners may, and it shall be their duty, at any time, to investigate each and every department of the city government and of the official acts and conduct of the city officials, and for the purpose of ascertaining facts in connection with such investigation, shall have the power to compel the attendance and testimony of witnesses, to administer oaths and to examine such persons as they may deem necessary and compel the production of books and documents. Failure to appear by any one when served by a notice to do so, shall be a contempt, which may be punished by fine, and in default of the payment thereof, the person so fined may be imprisoned. Wilful false swearing in such investigation and examination shall be perjury and punishable as such.

SEC. 27. *Subordinate Officers—Duties Restricted and Altered.*—The board of commissioners shall have power, and it shall be their duty, to prescribe by ordinance the powers and duties of all officers of the city whether elected or appointed, where the same have not been provided for in this act, and shall have authority from time to time to add thereto, alter or restrict the same and shall require of all such officers, as they may deem necessary, to execute bonds payable to the city of Fort Worth in such amount and form as the board of commissioners may provide, with good and sufficient sureties, to be approved by the board of commissioners, conditioned for the faithful discharge of their respective duties. The board of commissioners shall have power at any time to require any of such officers to execute a new bond or bonds when the existing bond or bonds shall for any reason be deemed by the board of commissioners insufficient.

SEC. 28. *Police Officers—Appointment, Qualification, Salary and Duties of—Suspension and Dismissal of.*—The board of commissioners shall have full power and authority to establish and maintain a police department, to be composed of a chief of police, who shall be appointed by the board of commissioners, as provided for in this act, an assistant chief of police, two sergeants and such number of detectives and patrolmen or policemen as such board may deem necessary, to be appointed as hereinafter provided, said officers and members of said police department to receive the compensation and perform the duties to be fixed, defined and

regulated, as provided for in this act. At the first meeting of said board of commissioners after their qualification, or as soon thereafter as possible, it shall be the duty of the commissioner who may be selected as police and fire commissioner to prepare and file with the board of commissioners, in writing, the names of persons nominated by him to serve in the police department, indicating the respective capacities in which such persons so appointed shall serve and said nominations shall thereafter, upon the approval of the board and the qualification of the persons so appointed, become effective; provided, the board of commissioners shall have power for any cause they may deem sufficient, to reject any or all persons so nominated, or shall thereafter have the power to remove any or all of such persons so appointed. Upon the failure or refusal of said police and fire commissioner to present his list of nominations, as aforesaid, at the second regular meeting of said board, it shall be the duty of the board to thereafter proceed to elect proper persons to fill such positions; provided, however, that so far as it may be practicable and consistent with good order, discipline and improvement of the public service it shall be the duty of said police and fire commissioner to prefer in his nominations of persons to serve in the police department those men who have proved themselves capable, good and efficient in the performance of their duties; provided, however, the chief of police department shall have the power to temporarily suspend any subordinate officer or member of the police department for reasons satisfactory to said chief of police and to appoint some person to discharge the duties of such suspended officer until the grounds of such suspension can be inquired into by the police and fire commissioner, and it shall be the duty of the chief of police to report such suspension in writing within three (3) days with the reasons therefor, to the police and fire commissioner, and also to furnish such suspended officer with a copy thereof within like time. Said police and fire commissioner is hereby invested with the exclusive jurisdiction to hear and determine any and all charges against any member of the police department for infraction of discipline, disobedience of orders, incompetency, corruption, malfeasance or nonfeasance in office, for violation of any of the rules or regulations prescribed for the government of the said police department, or for any other cause that may appear to him to be sufficient, and he may discharge any member of the police department, when in his discretion, it is for the best interest of the service in the police department. In case of a vacancy for any cause in the police department, it shall be the duty of the police and fire commissioner to at once appoint some person to fill such vacancy and file such appointment in writing with the board of commissioners, stating that such appointment is made to fill such vacancy. In case of any charges or complaint made under the provisions of this section against any member of said police department, within the jurisdiction of the police and fire commissioner, he shall have power to administer oaths to summon and compel the attendance of witnesses before him, and to examine such witnesses upon any matter where it may be necessary to the discharge of his duties; provided, however, that all charges or complaints against the chief of police shall be heard and determined by the board of commissioners as provided for in this act. The assistant chief of police and the officers in said department shall receive such compensation for their serv-

ices as may be fixed by the board of commissioners; provided, however, that the assistant chief of police shall not be appointed unless deemed necessary by the board of commissioners.

SEC. 29. *Chief of Police—Duties and Powers.*—The chief of police shall attend upon the court which may be designated by law for the trial of offenses arising under this act, under any ordinance, rule or regulation enacted by the board of commissioners pursuant to this act, and shall promptly and faithfully execute all writs and process issuing from said court. He shall be the chief police officer of said city, and shall have like power with the sheriff of the county to execute the writ of search warrant; he shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the public peace, and shall have the authority to take suitable and sufficient bail for the appearance before said court of any person charged with an offense within the jurisdiction of said court; and it shall be his duty to arrest all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct whatever. To prevent a breach of the peace, or to preserve quiet and good order, he shall have the authority to close any theater, barroom, ballroom, drinking house, or any other place or building of public resort, and in the prevention and suppression of crime and arrest the offender within said city, he shall have process and execute like power and authority and jurisdiction as the sheriff of the county under the laws of the State. He shall give such bond for the faithful performance of his duties, and perform such other duties and possess such other powers and rights and authority, in addition to those herein provided, as the board of commissioners may require and confer upon him, not inconsistent with the Constitution and laws of this State, and the provisions of this act. In case of absence, sickness or inability to act of the chief of police, said police and fire commissioner shall have the power, and it shall be his duty, to designate some other member of the police department as acting chief of police during the period of such absence, sickness or inability to act of said chief of police.

SEC. 30. *Arrests—When Made Without Warrant.*—Policemen of the City of Fort Worth may make arrest without warrant, and without warrant may arrest any offender or person or persons charged with an offense in any of the following cases, to-wit: When any felony or disturbance, affray or breach of peace or violation of any city ordinance is committed within the view of the policeman or in the presence of the policeman making the arrest; when a felony or breach of the peace has been committed within the presence or within the view of a magistrate, and such magistrate shall verbally order the arrest of the offender; when it is represented to the policeman by some creditable person that a felony or disturbance, affray or breach of the peace or violation of some city ordinance has been committed and that the offender will probably escape if the arrest is delayed to procure a warrant. The board of commissioners may establish rules authorizing the arrest without warrant of any person or persons found in suspicious places or in circumstances reasonably tending to show that such person or persons have been guilty of some felony or breach of the peace, or violation of some municipal ordinance, or about to commit some offense against some State law or against some municipal

ordinance. In all the cases enumerated in this section, arrest may be lawfully made by said policeman without warrant, and the policeman making the arrest is justified in adopting and may adopt and use any and all measures which a sheriff might adopt in making arrests under warrant as provided by the State statutes, and in every case of an arrest made without warrant, the policeman making the arrest shall immediately take the person arrested before that magistrate who ordered the arrest, or if the arrest was made without an order, then before the nearest or most accessible magistrate having jurisdiction, where a complaint may be made and a warrant issued, or such other action as is provided by law.

Sec. 31. All peace officers of the City of Fort. Worth are hereby authorized and empowered to make arrests at any place within the territorial limits of Tarrant county for offenses committed within the limits of the City of Fort Worth.

Sec. 32. That whenever the mayor shall deem it necessary, in order to enforce the laws of the city or to avert danger to or protect life or property, in case of a riot, or any outbreak or calamity or public disturbance, or when he has reason to fear any serious violation of law or order, or any other danger to said city, or the inhabitants thereof, he shall have the power to summon into service as special police force all or as many of the citizens as in his judgment and discretion may be necessary and proper, and such summons may be by proclamation or order addressed to the citizens generally or those of any ward of the city or subdivision thereof, or such summons may be by general notification. Such special police, while in service, shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same power while on duty as the regular police force of said city. Any person so summoned and failing to obey, or appearing and failing to perform any duty that may be required by this act, shall be fined in any sum not exceeding one hundred (\$100) dollars, but it is expressly provided that said city shall not become or be liable or held for any damage or injuries to personal property arising from the failure of the mayor or any police or other officer or any employe to enforce the provisions of this charter or any law of this State, or ordinance of this city, or from his or their negligence while enforcing or attempting to enforce the same.

Sec. 33. The board of commissioners shall have the authority, whenever in its judgment it may seem proper, to engage or employ special assistants to aid or help any officer, elective or appointive, of the city government and to fix the compensation for such service. The said board shall also have the general power and authority to increase the number of employes to keep pace with the business of the city and to meet any emergency that in the judgment of the board may require an augmentation of same.

CHAPTER III.

FIRE DEPARTMENT.

SECTION 1. *Officers and Employes—Appointment, Duties, Qualification, Salary, Removal.*—The board of commissioners shall have power and authority, and it shall be their duty, to establish and maintain a

fire department, to procure fire engines and other apparatus for the extermination of fires, and provide engine houses for keeping and preserving the same; and said fire department shall be composed of a fire chief, who shall be appointed by the board of commissioners, as provided for in this act, and assistant fire chief, and such number of firemen as said board may deem necessary to be appointed, as hereinafter provided, the members of said department to receive the same compensation and perform the duties to be fixed, defined and regulated as hereinafter provided. At the first meeting of said board of commissioners after their qualification, or as soon thereafter as practicable, it shall be the duty of the commissioner who may be selected as police and fire commissioner, to prepare and file with the board of commissioners, in writing, the names of the persons nominated by him to serve in the fire department, indicating the respective capacities in which such persons so appointed shall serve, and said nominations shall thereafter, upon the approval of the board and the qualification of the persons so appointed, become effective; provided, the board of commissioners shall have power for any cause they may deem sufficient, to reject any or all of the persons so nominated, or shall thereafter remove any or all such persons so appointed. Upon the failure or refusal of said police and fire commissioner to present his list of nominations, as aforesaid, at the second regular meeting of said board, it shall be the duty of the board to thereafter proceed to elect proper persons to fill such positions, provided, however, that so far as it may be practicable and consistent with good order, discipline and improvement of the public service, it shall be the duty of said police and fire commissioner to prefer in his nominations of persons to serve in the fire department, those men who have proved themselves capable, good and efficient in the performance of their duties; provided, however, the chief of the fire department shall have the power to temporarily suspend any subordinate member of the fire department for reasons satisfactory to said chief of the fire department, and to appoint some person to discharge the duties of such suspended member until the grounds for such suspension can be inquired into by the police and fire commissioner; and it shall be the duty of the chief of the fire department to report such suspension in writing within three (3) days, with the reasons therefor, to the police and fire commissioner, and also to furnish such suspended member with a copy thereof within like time. Said police and fire commissioner is hereby invested with the exclusive jurisdiction to hear and determine any and all charges against any member of the fire department for infraction of discipline, disobedience of orders, incompetency, corruption, malfeasance or nonfeasance in office, for violation of any of the rules or regulations prescribed for the government of said fire department, or for any cause that may appear to him to be sufficient, and he may discharge any member of the fire department when in his discretion it is for the best interest of the service in said department. In case of a vacancy for any cause in the fire department it shall be the duty of the police and fire commissioner to at once appoint some person to fill such vacancy and file such appointment in writing with the board of commissioners, stating that such appointment is made to

fill such vacancy. In case of any charges or complaints made under the provisions of this section, against any member of said fire department, within the jurisdiction of the police and fire commissioner, he shall have power to administer oaths, to summon and compel the attendance of witnesses before him and to examine such witnesses upon any matter where it may be necessary to the discharge of his duties; provided, however, that all charges or complaints against the chief of the fire department shall be heard and determined by the board of commissioners as provided for in this act. Provided further, that the chief of the fire department shall receive an annual salary of twenty-four hundred (\$2400) dollars, to be paid in equal monthly installments. The assistant chief of the fire department and the members in said department shall receive such compensation for their services as may be fixed by the board of commissioners; provided, however, that the assistant chief of the fire department shall not be appointed unless deemed necessary by the board of commissioners.

SEC. 2. The chief of the fire department shall be charged with the duty of superintending and directing the extinguishing of fires and safe keeping of all fire engines, hose and other apparatus used in connection therewith; he shall have the power, and it is hereby made his duty to keep away from the vicinity of any fire, all idle, disorderly and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and in preventing goods from being stolen, and generally, to carry out and enforce such regulations for the prevention and extinguishment of fires as may be by said board of commissioners deemed expedient.

SEC. 3. The mayor, the chief of the fire department, and all subordinates and employes of said department and all officers of said city, are authorized, and it is made their duty to keep away from the vicinity of any fire all idle, disorderly and suspicious persons, and to arrest and imprison the same and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing property from being stolen.

SEC. 4. *Exposed Buildings—When Destroyed—Damages.*—When any building in the city is on fire it shall be lawful for the chief or acting chief, with the concurrence of the mayor, or in his absence of two commissioners, to direct such building, or any other building which they may deem hazardous and likely to take fire and to communicate fire to other buildings, to be torn down or blown up or otherwise destroyed, and no action shall be maintained against any person or against the city therefor, but any person interested in any such building so destroyed or injured may within two months and not thereafter, apply in writing to the board of commissioners to assess and pay the damage he has sustained and if the board of commissioners and the claimant can not agree on the terms of adjustment, then the application of such claimant shall be referred to three commissioners, one to be appointed by the claimant, one by the board of commissioners and the third by both commissioners, and the decision of the majority shall constitute

the award in the case. They shall be sworn to faithfully execute their duty, according to the best of their ability; shall have power to subpoena witnesses and swear witnesses, and shall give all parties a fair and impartial hearing, and give notice of the time and place of meeting. Said commissioners shall be qualified voters and owners of real estate in the city and shall take into account the probabilities whether the said building would have been destroyed by fire, if it had not been so pulled down and destroyed, and the loss of insurance upon said property, if any, caused by pulling down or blowing up or destroying said building, and may report that no damage should equitably be allowed to such claimant.

SEC. 5. *Damages—Report of Appraisers—Final.*—Whenever a report shall be made and finally confirmed for the appraising of said damages, a compliance with the terms thereof by the board of commissioners shall be deemed a full satisfaction of said damages and no suit shall enter and be maintained for or on account of such damages in the absence of fraud or gross mistake not chargeable to the complainant, for any other purpose than the enforcement of the award as made by the commissioners.

SEC. 6. *Fire Limits.*—The board of commissioners shall have power by ordinance to prohibit the erecting, placing, moving or repairing of buildings or other structures of wood or other combustible material, within such limits in said city as may be prescribed by ordinance and to direct that all buildings and structures within the limits prescribed shall be made or constructed of some fireproof material, and to declare all dilapidated buildings to be nuisances, and to direct and require the same to be repaired, removed or otherwise abated in such manner as the board of commissioners may prescribe, and to declare all wooden buildings and other structures within the fire limits which are deemed dangerous to contiguous buildings or structures in causing or promoting fires, to be removed or otherwise abated in such manner and under such penalties to the owners or proprietors thereof as may be provided by ordinance. The board of commissioners may also prohibit the rebuilding or repairing of wooden buildings or other structures within the fire limits when the same shall have been damaged one-half of the original value, by fire, wind, water, long use or in any manner, whatever.

SEC. 7. *Chimneys, etc.—To Be Removed When Dangerous.*—The board of commissioners shall have the power to prevent and prohibit the dangerous condition of chimneys, flues, fireplaces, stove pipes, ovens, or other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure or safe condition when considered dangerous.

SEC. 8. *Inspection of Buildings, etc.—To Prevent Fires.*—The board of commissioners shall have power to prevent the deposit of ashes in places where they would be liable to produce fire, or in any wooden box or barrel, or within any wooden building and to appoint one or more officers to enter into all buildings or enclosures to examine and discover whether the same be in a dangerous state, and to cause such as may be dangerous to be put in a safe condition, and the said board of commissioners may also require the inhabitants to keep and provide as many

fire buckets and as many stairs, ladders or other means to reach the roof, and as many scuttles or openings therein as they shall prescribe, and may regulate the use thereof in times of fire

SEC. 9. *Cotton Sheds, Powder, Dynamite, etc.—Power Over.*—The board of commissioners may also regulate and prevent the carrying on of work and manufactures that are dangerous in promoting and causing fire, and may prohibit the building or erection of cotton presses and sheds, and may restrict the same to such limits as are prescribed by ordinances, and may regulate and prevent the use of fireworks and fire-arms, or the keeping or management of houses or other structures or places for sorting powder, dynamite or other combustible, explosive or dangerous material or substance within the city and may regulate the keeping and conveying of the same

SEC. 10. The board of commissioners shall have the power to require the construction of suitable and efficient fire escapes on or in hotels, lodging houses, business houses, factories, and all other buildings above the height of two stories where same in the judgment of the board of commissioners may be required as a measure of public safety.

CHAPTER IV.

STREET AND SEWERAGE.

SECTION 1. *Power of Board Over Streets, etc.*—The board of commissioners shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, squares, parks, public places, and bridges, shall have the exclusive power and control over the same, and shall have the power to vacate and close the same; said board shall have the power to compel all persons, firms or corporations having easements upon or otherwise utilizing the streets, sidewalks or public thoroughfares of said city, and using poles thereon, to remove said poles and put the wires strung thereon in underground conduits, or to substitute ornamental bronze or iron poles in lieu thereof, and same to be painted in such way and manner and otherwise beautified, as the board of commissioners may ordain or require. The board of commissioners shall have the power to put drains and sewers in said streets, alleys, crossings, highways and public grounds, and to prevent the incumbrance thereof in any manner, and to protect the same from any encroachment or injury, and to erect, construct and regulate the construction and use of the same, and to abate and punish any obstructions and encroachments thereof, and any obstructions or encroachments on the sidewalks, curbing and gutters of said city. And to regulate the plumbing in said city and the use and mode and manner of supplying electricity and the use of electrical machinery, fixtures and appliances. The board of commissioners shall also have full power to establish, regulate and change the grade of streets, alleys, and sidewalks and to require the same to be raised and lowered as in the judgment of said board of commissioners may be or become necessary, and to regulate and alter the grade of premises within the city limits of said city and require the same to be raised or lowered so as to conform to the grade of any street or streets on which it abuts. To pre-

vent any alley, street, sidewalk or other public place from being dug up, and to prevent the making of excavations therein, unless the same be with the permission of the board of commissioners, or such officer or officers as it may designate, and under the direction and supervision of the city engineer, and to require such street, alley, sidewalk or other public place to be repaired and restored, and to regulate the use thereof and to require the removal from the streets and sidewalks of all obstructions, telegraph, telephone, street railway or other poles, carrying wires, signs, fruit stands, show cases, and encroachments of every character upon said streets or sidewalks upon the same, under the supervision of the engineer, to the satisfaction of the said board of commissioners; to order, require and permit any and all corporations, owning or operating any public utilities in said city to jointly use and employ in the conduct of their said business, the same poles and conduits and to order, require, permit and authorize one or more corporations owning and operating any public utility in said city, to permit the use of any or all of its equipment, appointments, appliances or property by any other company owning or operating a similar utility, by lease, contract or sale whenever in the judgment of said board of commissioners, the public interest and public safety demand it; subject always to such conditions, limitations, considerations and restrictions as said board of commissioners may see fit to impose and require. To prevent the encumbering of the streets, alleys, sidewalks, and the public grounds with carriages, wagons, carts, hacks, buggies or any vehicle whatever, or with boxes, lumber, firewood, posts, awnings, or signs, or any other substance or material whatever or in any manner whatever. To compel all persons to keep all weeds, filth and any kind of rubbish from the sidewalks, gutters in front of the premises, occupied or owned by them, and to require and compel the owners of any real estate to fill up, grade, gravel or otherwise improve the sidewalk in front of and adjoining their property. To permit and regulate, or to prohibit and prevent, as in its judgment seems best, the laying and repairing of gas and water mains, and pipes of any kind in said streets, alleys, crossings, highways, and public grounds, and to compel any person or persons laying or repairing gas, water, sewer and any other pipes or mains therein, or using such places for building or other purposes; to repair or restore and clean up the streets, alleys, sidewalks, and other public places so used. To provide for the lighting of streets, public grounds and public buildings, and to erect and maintain all necessary lamps, lamp posts and other fixtures, and to furnish the citizens of said city light, and to erect, own, use and operate all necessary machinery, fixtures, appliances and appurtenances of every nature, whatever, necessary for said purpose, and to demand and receive compensation for lights, furnished for private purposes, and to provide for the location and regulation of such lights. And to provide for sprinkling any and all of the streets of the city, and to make contracts with other individuals or corporations, for sprinkling the streets, and to regulate the charges that may be collected from abutting property owners for such sprinkling. To exclusively permit, prevent, regulate and direct and control the establishment and maintenance of electric lights, and other lights, and the carrying of electric currents and the controlling of

such currents and the closing of circuits therefor, and the grounding of electric currents, and the erection of telegraph, telephone and electric light or other poles in the streets, alleys, sidewalks and other public grounds of the city, and the construction and maintenance of such poles and of all wires and appliances and to provide, fix, and enforce rules and regulations therefor, and to impose such terms as they may deem proper for the use of any such purpose of the streets, alleys, sidewalks, overground and underground, and to demand and collect for the use of same such compensation as the board of commissioners may think proper.

SEC. 2. *Railway—Duties of—Power of Board Over.*—The board of commissioners shall have power, by ordinance or otherwise, to regulate within the limits of said city, the speed of locomotives, trains, street cars, vehicles, and animals. The board of commissioners shall have power by ordinance or otherwise, to require street and electric railway companies and steam road companies to maintain in good repair that part of the area of streets of said city occupied by such companies, and to properly drain said portion of said streets, and to construct and keep in good repair bridges, crossings and culverts over and upon all drains or ditches on streets occupied by them, where such drains or ditches are crossed by any line of said company, or where the construction of same is made necessary by the presence of such line on the street, the character and extent of such bridge, crossing, or culvert to be determined by the board of commissioners at the point where it is required, and the board of commissioners shall have power to require such railway or railroad companies to keep watchmen at points where their lines cross streets of the City of Fort Worth, maintaining said watchmen at their expense, in case where the public safety demands it. The board of commissioners shall also have sole and exclusive power to prevent, permit, direct and control the laying, construction and maintaining of steam railroad tracks and street railway tracks, bridges, viaducts, turnouts and switches in the streets, alleys and public grounds of said city, and to require them to be conformed to the grade of the said streets, alleys and public grounds of said city, as they may be hereafter or are now established, and to require that all such tracks, bridges, viaducts, turnouts and switches shall be so constructed, laid and maintained as to interfere as little as possible with the ordinary travel upon and use of said streets, alleys and public grounds, and to require the owners of such railways to construct and maintain in good repair suitable crossings at the intersection of their tracks, turnouts and switches with any streets, alleys, or public grounds of said city. Said board of commissioners shall have the power, when in their discretion the public necessity demands it, to require and compel any street or electric railway company, or any steam railway company to alter its grade at any crossing of any street or at any crossing of any other street railway or steam railway, or where it may be desired to hereafter construct such crossing and to require such street and steam railway company to contribute with the city its reasonable share towards the construction and maintenance of any tunnel under or viaduct over such crossings, and where deemed equitable and just to require such street or steam railway company, or both, or all companies

interested, to bear the entire cost of such construction and maintenance in proportion as their several interests may appear. The board of commissioners shall have power, by ordinance or otherwise, to require street or electric railway companies and steam railway companies using any portion of the streets or alleys of the city, to grade and pave and keep in good repair with the same material with which the remainder of the street is paved, the width of tracks and between the tracks and switches or turnouts and main tracks of said companies on said street, and reasonable distance outside and next to the rails of said tracks, not to exceed eighteen inches. Any steam railroad company or street or electric railway company proposing with the permission of the board of commissioners to occupy any street, or streets, alley or alleys, already occupied by any other street or steam railway company, shall besides paying for the paving as may be required by the board of commissioners, or by the provisions of this act or by the franchise of such company, be also required to pay for the paving of so much of said street or alley proposed to be used by it as may in the opinion of commissioners be a proper pro rata of the cost of paving such street or alley or portion thereof, before they may occupy such street or streets, alley or alleys, and the tracks of the company or companies already using the said streets, alley, or alleys, shall be so shifted as to leave the street or streets, alley or alleys, in the best possible condition for travel after the construction of additional track or tracks by the company proposing to do the same, and it shall have the power to require that the cost of shifting the said track or tracks and of restoring the street or alley to its former condition shall be paid by the company last obtaining the right to use the street or streets, alley or alleys.

CHAPTER V.

SECTION 1. As soon as practicable after the adoption of this charter on the fourth Tuesday in April, 1909, and biennially thereafter, the mayor shall appoint three qualified voters of the City of Fort Worth, without respect to their political affiliations, subject to confirmation by the board of commissioners, who shall, with the commissioner of streets and public grounds, constitute the park board of said city, of which said commissioner shall be chairman, and who shall serve for a period of two years and until their successors are appointed and qualified. Said park board shall have exclusive control, management and maintenance of the public parks of the City of Fort Worth, and shall have the management and control of the beautifying and parking of any ground, street or boulevard or part thereof, or any cemetery belonging to said city, which the board of commissioners may designate to receive such improvements.

SEC. 2. Said park board shall have authority to acquire, by gift, or devise land in the name of the city for park purposes, and may arrange the terms of purchase, and purchase any land for park purposes.

SEC. 3. The park board shall adopt such rules and regulations as it may deem best for the management of the public parks of the city, and shall elect one of its members vice president of the park board and a secretary thereof.

SEC. 4. The board of commissioners when levying the taxes for each fiscal year shall levy an ad valorem tax of 10 cents on each \$100 of the assessed value of all real and personal property in the city not exempt from taxation by the Constitution and laws of the State for the use and benefit of the park fund. Said tax, when collected, shall be deposited with the city treasurer to the credit of the park fund, and said sum, together with all sums appropriated by the city in the annual budget for park purposes or received from other sources, shall be deposited and held by the city treasurer in a separate account to the credit of the park fund, subject to the order and disbursement of the park board for the purposes and in accordance with the authority herein specified and same shall be paid out upon warrants issued by the park board, signed by the president or vice president of said board, and countersigned by the city auditor and secretary of the park board.

SEC. 5. The members of said park board shall possess the same qualifications and be subject to the same disqualifications provided by law for commissioners of the City of Fort Worth, and shall serve without compensation.

The park board may select and engage such employes as may be necessary in the up-keep and maintenance of the parks, parking places and such other places over which the park board has jurisdiction, of the City of Fort Worth. Their compensation shall be fixed by such park board and they shall be subject to removal and dismissal at the pleasure of said board; provided, that the expense of such employment shall not exceed the revenues applicable to such purposes unless approved by the board of commissioners of the City of Fort Worth.

SEC. 6. The board of commissioners of the City of Fort Worth shall have authority to issue and sell bonds for the purpose of carrying out the powers herein conferred, and for the purchase and improvements of park grounds, parkways and boulevards, such bonds to be issued and sold on such terms as may be prescribed by the board of commissioners, and in accordance with the limitations prescribed by the laws of the said city, and the Constitution of Texas.

SEC. 7. The board of commissioners shall have power to appropriate, purchase or condemn on such compensation duly paid, private property for the use of the city for parks, public plazas and squares and in such event the board of commissioners shall declare, by ordinance, the necessity for such appropriation, describing the property sought to be appropriated and stating the name and residence of the owner, if known, and if unknown, stating that fact and shall cause to be filed with the city clerk a plat of the property proposed to be condemned, and such private property shall be condemned, for the use of the city for the purposes expressed in the ordinance by the same proceedings and under the same rules, so far as applicable as are now or may hereafter be provided by the general laws of this State for the condemnation of private property for the use of railroad corporations, or in any other manner or by any other proceedings authorized by the general laws of this State for the condemnation of private property for general use.

SEC. 8. The board of commissioners may by ordinance from time to time enlarge the authority and jurisdiction of the park board and con-

fer upon it additional powers not inconsistent with the law; and it is not intended by the foregoing to fully define or limit the powers of said park board.

CHAPTER VI.

SECTION 1. The board of commissioners shall have the power to provide the city with water or to cause the same to be provided, and for this purpose to make, establish, regulate and maintain, public wells, pumps, artesian wells, cisterns, reservoirs, hydrants, dams, standpipes, water mains, water pipes, and water meters, and all such other equipments, property, etc., as may be necessary in the streets or at such other place or places as to the said board of commissioners may seem proper, either within the city or beyond the limits thereof, for the extinguishment of fires, and the use, convenience and health of the inhabitants of the city, and shall have full control of same and of all necessary streams and water sources within and without the city limits, and to prevent the unnecessary waste of water or any injury to said waterworks, and shall have power to acquire, purchase and condemn within the limits of the city, such lands as may be necessary for the purposes mentioned herein. And said board of commissioners may establish and maintain a waterworks department and may clothe and vest the officers, agents and employes elected and appointed for the operation thereof, with such power and authority as in the discretion of said board of commissioners, may or shall seem proper, and the waterworks department heretofore established and the ordinances, resolutions, rules and regulations now in force for the establishment, government and maintenance of said department shall continue in full force and effect until and except as the same may be or shall be repealed, altered or modified by the board of commissioners, and to pass ordinances for the condemnation of property for the purpose of establishing, enlarging and maintaining a system of waterworks, whether within or without the limits of such city, conforming the mode and manner of the same as far as applicable to rules now prescribed for cities and towns by the general laws of the State in the condemnation of property for the construction of sewers or sewerage systems.

SEC. 2. The board of commissioners shall have the power, and it shall be their duty, to provide for the establishment and creation of an adequate sewer system in the City of Fort Worth, and all work necessary and incident thereto, with the right of excavation in, upon and under the streets, houses, sidewalks, highways, alleys and other public places in the City of Fort Worth, and at their discretion whenever deemed expedient, to extend and augment said sewer system, and to maintain same as to protect the health and sanitation of said city.

The board of commissioners shall have the power, and it is made their duty, to adopt rules and regulations for the management of the waterworks and sewerage systems, and they shall have power to make and establish a schedule of water and sewer rates and tolls and prescribe the mode and manner of the construction of the service pipes, alley laterals and house connections and all other connections with the water mains and sewer pipes, and said board of commissioners shall

pass all ordinances necessary for the protection and preservation of the said waterworks, and sewerage systems and for the prevention of waste and damage thereto, and said board of commissioners shall have the power to require all property owners whose property may be located upon or near any street or alley along which there may extend any sewer system or system of sewerage, that the city may construct or authorize to be constructed, or that it may acquire by purchase or otherwise, to connect with such sewer, or system of sewerage all water closets, sinks and drains located upon their respective property or premises, so that their contents may be made to empty into such sewer or system of sewerage, whether said system be constructed by said city or is acquired by it by purchase or otherwise.

SEC. 3. *Assessment and Collection—Board of Equalization—Tax Lists.*—The assessor and collector shall make up all the assessments of all property for taxation in said city, including the license and occupation taxes, and make rolls thereof, and on completion of the said rolls he shall report the same to the said board of commissioners for their action. He shall have power and authority to administer any and all oaths in connection with the duties of his office, as required by the board of commissioners or otherwise by law. It shall be the duty of said board, as soon as the assessment rolls of taxes due the city are completed, to sit as a board of equalization, to equalize the taxes assessed on said rolls, and in addition to the powers granted them by this act they shall also have the same powers and perform the same duties as the county commissioners courts of this State in regard to the assessment of property for taxation, and the equalization thereof, and shall be governed in their procedure and acts in this respect as is now provided by the laws of this State, relating to the equalization of State and county taxes by the said commissioners courts. And in addition to the foregoing, the said board of commissioners shall have the power when sitting as a board of equalization to compel the production of the books, papers, documents, stocks, bonds, and other papers pertinent to the investigation, to be produced before them in the investigation, of the taxable values of any person, or persons, firm or corporation having or owning property in the City of Fort Worth, subject to taxation. Provided, however, that said board shall not sit for more than sixty days in performing the duties herein prescribed. Provided, however, that in the event of a mistake or injustice in the assessment of property, the rendition of same, or in the payment of taxes, that said board of commissioners shall have power to correct such mistake and make redress therefor. All real property assessed for taxes by the assessor and collector shall be listed and enrolled by number of blocks and lots or parts of lots according to recorded plats or the official map of the City of Fort Worth, or by survey of city engineer or by other means employed by the assessor. It shall also be the duty of said assessor and collector to make out lists of all real property which has not been given for assessment either for current or former years, or year, according to the provisions of this act and ordinances made in pursuance thereof, and to assess the same in the name of the owner, if he be known, and, if not, by number of blocks and lots or parts of lots, as determined by ordinance, then it

shall be assessed by description of the property and by the name of the last known owner, or as unknown, as the case may be, and the value of the property shall be determined by the board of commissioners, sitting as a board of equalization, and such action may be taken to enforce the collection of taxes so assessed, if the same are not paid, as is herein prescribed for the collection of taxes on property given in for assessment, and the board of commissioners may add to the rolls any property omitted therefrom and lawfully taxable within said city.

SEC. 4. *School Taxes—Collection*—Said assessor and collector shall also collect all taxes levied by this act, including any tax levied for public schools and in the collection of the same, in the event of non-payments, he shall proceed in accordance with the provisions of the laws of the State governing the collection of taxes, and shall have the right to employ such remedies to enforce such collections as are provided by the laws of the State for the collection of taxes levied for State and county purposes.

SEC. 5. *Assessor and Collector—Board of*—He shall give bond in such amount and in such form as said board of commissioners may provide, in a sum not less than twenty-five thousand dollars (\$25,000), with two or more good and sufficient sureties or surety company authorized to do business in this State, to be approved by the board of commissioners and the board of commissioners shall have the right to require a new bond whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said new bond is given and approved in the manner aforesaid; provided, that if the said new bond is not executed within fifteen days, he shall be deemed to have vacated his office, and pending the interim the commissioners shall have the power to make temporary arrangements for the prompt and official discharge of the duties of the office. The board of commissioners shall be and they are hereby authorized to prescribe by ordinance such rules and regulations, and prescribe such forms as by them may be deemed expedient for the assessment and collection of taxes, not inconsistent with this act, and the general laws of the State of Texas.

SEC. 6. *Assessor and Collector—Duties*—He shall on Monday and Thursday of each week, pay over to the treasurer all moneys by him collected and shall report same to the said board of commissioners at the first meeting of that body in every month, a full statement of all moneys so collected and paid over by him, and shall perform all such other duties, and in such manner, according to such rules and regulations, as the board of commissioners shall prescribe.

SEC. 7. *Tax Lien—Sales for Taxes*—That in all cases where any dealer in goods or merchandise of any kind subject to either ad valorem or occupation taxes, or both, under the provisions of this act, shall after the rendition of said goods, wares or merchandise for taxation, or after becoming liable for any occupation tax, become or be adjudged, bankrupt, or make an assignment of said goods, wares or merchandise, or sell out or transfer the same in bulk, then the assessor and collector of taxes shall at once present to the trustees in bankruptcy, receiver, assignee or vendee of said dealer for payment, a statement of the amount due for

said occupation or ad valorem taxes by said dealer, and in case of the failure of said trustee in bankruptcy, receiver, assignee or vendee to at once pay the amount of said taxes, the said assessor and collector shall, by virtue of his assessment roll, levy upon, seize and sell from the said goods, wares or merchandise, enough to satisfy the amount of said taxes, interest and costs, such sale to be conducted in the manner now prescribed for the personal property under execution; and said taxes, until paid, shall be and constitute a prior lien on all said merchandise, goods, wares and merchandise in default of the payment of said taxes; and whenever any goods, wares or merchandise shall be levied upon or seized under any writ of attachment or execution upon which the said city has a claim for ad valorem or occupation taxes unpaid said assessor and collector shall present for payment to the officer levying said writ of attachment or execution the amount due for taxes, interest and cost on said goods, wares or merchandise, and in case of failure of said officers or of the plaintiff in said writ, to at once pay the amount of said taxes, said assessor and collector shall proceed to levy upon, seize and sell enough of said goods, wares or merchandise to satisfy the amount of said taxes, interest and costs, as hereinbefore provided.

SEC. 8. *Assessment—Validity of.*—Any and all description of real estate, blocks, outlots, lots, or any part or fraction thereof, and of all personal property, and any and all dates, years, valuations, taxations, numbers, quantities, or amounts contained in any assessment roll, land tax book, personal tax book or descriptions contained in any book or roll and for the purpose of assessing property, shall be sufficient and valid when made, or stated in whole or part, in abbreviations or contractions of words, letters, characters, or figures, and when so made or stated shall be deemed and be held to be fully and fairly made and stated as though the same had been written out in full. No error or irregularity in any assessment roll, tax book or other document relating to the levy, assessment, equalization or collection of the taxes of the city, shall in any manner affect or impair the validity of any tax, or affect the proceedings for the collection thereof, but every such assessment shall be liberally construed to effect the purposes and objects of this section in determining the validity thereof.

SEC. 9. *Tax Suits—Limitation.*—All taxes due by property owners on any and all property in the City of Fort Worth as appears upon the tax rolls of said city, may be collected by suit for delinquency and by foreclosure of the lien thereon in any court having jurisdiction of the same, and any person who shall purchase property encumbered 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 have interposed had he continued to be the owner thereof. And 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, or assessments due from him or from her to the City of Fort Worth.

SEC. 10. *Exemptions.*—All property exempt from taxation by the Constitution and laws of the State of Texas shall be exempt from taxation by the City of Fort Worth.

SEC. 11. *Delinquent Taxes—Appropriations of.*—That the said board of commissioners of said city is authorized to appropriate all delinquent taxes against which no demands are outstanding and after the purposes for which said taxes were levied have been fulfilled and satisfied to any proper municipal purpose, and the said board is empowered at the end of each fiscal year thereafter, to declare such residue of said delinquent taxes a surplus, and to direct that the same, when collected, be carried in bulk, as a surplus account, subject to appropriation by said board for proper municipal purposes, under the provisions of this act.

SEC. 12. *Surplus Fund—Use of.*—At the end of each fiscal year, if any amount shall have accrued from taxation or revenue received from dividends or stocks or surplus receipts or earnings from any source, which are now or will be hereafter pledged to be applied to the interest and sinking fund for the protection of all classes of outstanding bonds or to be hereinafter issued, to exceed 2 per cent for sinking fund, then in that event, the surplus, if any, over and above the 2 per cent sinking fund, can be used for the purpose of making general improvements, or otherwise, as the commissioners may determine.

SEC. 13. All rights, privileges and franchises heretofore or hereafter granted to be held, by any person, firm or corporation in the streets, alleys, highways or public grounds or places in said city, shall be subject to taxation by said city separately from and in addition to the other assets of such person, firm or corporation, and the board may require the rendition and assessment thereof accordingly.

SEC. 14. *Special Funds—Penalties for Misapplying.*—To provide by ordinance special funds for special purposes and to make the same disbursable only for the purpose for which the fund was created, and any officer of said city misapplying said special fund shall be deemed guilty of malfeasance in office and shall, on complaint of any one interested in said fund so misapplied, or any taxpayer of said city, on conviction as provided by ordinance, be removed from office and shall be incapable thereafter to hold any office in said city, and shall, on conviction before any court of competent jurisdiction, be fined in a sum not exceeding five thousand (\$5000) dollars, and be imprisoned in the county jail not exceeding six (6) months.

SEC. 15. *Execution and Garnishment—City Not Liable On.*—The property, real and personal, belonging to said city, shall not be liable to be sold or appropriated under any writ of execution, or cost bill. Nor shall the funds belonging to said city in the hands of any person be liable to garnishment. Nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand due or owing to any person. Nor shall the city or any of its officials or agents be required to answer any writ of garnishment on any account whatever.

SEC. 16. *Fiscal Year—Reserve and Emergency Fund—Budget Deficit.*—The board of commissioners shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other income, the auditing and settlement of all accounts, and in the exercise of a sound discretion make appropriation for the payment of all liabilities and expenses. The fiscal year of the city shall begin at such time as may be determined by the board of commissioners.

In the month of November, or at such time as may be deemed advisable and practicable, the board shall make a careful estimate of the probable revenue for the current fiscal year and apportion the same to the several departments of the city government, including a reserve fund of twenty-five thousand dollars (\$25,000) to be used only in extraordinary emergencies, which could not have been foreseen before their occurrence. Any unexpended portion of such reserve fund created for any year shall constitute part of the reserve fund for the next ensuing year. And the board of commissioners may also, in their discretion, at the same time, or any subsequent time, appropriate a sum not to exceed one thousand dollars (\$1000) to be used by the mayor in emergencies for any current year, and for which he shall account annually, and also when required to do so by the board of commissioners. Such estimate or budget shall be prepared in such detail, as to aggregate sum and the items thereof as the said board shall deem advisable, and in order to enable the said board to properly prepare such estimate, the heads of all departments shall, at least thirty (30) days before the said estimate is hereby required to be made, send to the said board, in writing, estimates of the amounts needed for the conduct, respectively, of each department of said city for the next ensuing fiscal year. Such estimates shall be certified to by the parties making them, and shall specify in detail the objects thereof, and items required for the respective departments, including a statement of each of the salaries of the officers, employes, deputies and subordinates in each department. It shall be the duty of the said board of commissioners, when assembled for the consideration of said budget, to consider and investigate the estimates prepared by said officers and to hold daily sessions, if necessary for the consideration and adoption of said budget. After said budget shall have been duly passed and adopted, said board of commissioners shall not have the power to increase the amount fixed therein, whether by insertion of new items or otherwise, beyond such budget unless the actual revenues shall have exceeded such budget and in such event beyond such actual revenue, and the said several sums as therein fixed shall be and become appropriated after the beginning of the next fiscal year for the several purposes therein named, to be used by the said board of commissioners and the several departments of said government for the purposes therein named; provided, that the salaries as so fixed by the board and the other provisions of the budget may at any time be changed by the unanimous vote of the full board, except that the said reserve fund shall not be changed.

SEC. 17. The board of commissioners shall have the general power to provide by ordinance for the prompt collection of all taxes and to regulate the manner, mode and form of tax lists or inventories and to prescribe the kind of oath that shall be taken thereto by the taxpayer or property owner, his agent or attorney; provided, however, that the manner of assessing real property shall be and remain as hereinbefore prescribed in Section — hereof. The board of commissioners shall, in addition to such powers, provide by ordinance for the punishment of recalcitrant taxpayers, who refuse to list and make a rendition of their personal property when required so to do by the assessor and collector of the City of Fort Worth.

SEC. 18. *Rate of Taxation—Discount—Penalties—Poll Tax.*—The board of commissioners shall have the power and they are hereby authorized to levy for general purposes an annual ad valorem tax on all real, personal and mixed property within the territorial limits of said city, not exempt from taxation by the Constitution and laws of the State of Texas, of and at the rate of not exceeding one dollar and seventy-five cents (\$1.75) on the one hundred (\$100) dollars cash valuation of said property inclusive of the school tax that may be levied by the board of trustees of public schools, as provided in this act. The meaning of the term "real property" as used in this act, shall be construed to mean lots, lands and all buildings or machinery and structures of every kind erected upon or affixed to the same; and the meaning of the term "personal property" as used in this act shall be construed to include all household furniture, money, goods, capital and chattels, all franchises subject to taxation under this act, all stocks of corporations, moneyed or otherwise, and generally all property which is not real, including all buildings and improvements, machinery and fixtures of every kind, upon lots or lands not owned by the owners of the aforesaid improvements. The taxes herein and hereby authorized and levied shall be and become due and payable on September first of each year, and no demand for same shall ever be necessary in order to insure or enforce their collection, but it is made the duty of the taxpayer to attend at the office of the assessor and collector of taxes, and make payment of same as herein provided. Taxes required to be paid in virtue of this charter shall be and become delinquent on January first of each year, but the taxpayer shall have all of said month within which to pay said taxes before same become delinquent, and the penalties herein provided for shall attach. Should any taxpayer suffer his taxes to become delinquent, that is to say, shall fail or refuse to pay same before February 1st of each year, then a penalty shall attach to the payment of same at the rate of one per cent (1) per month of any fraction thereof, and in addition thereto, shall also be subject to the payment of all costs and expenses that may be incurred in the advertisement of such delinquent property and the collection of same through the means prescribed by law. The board of commissioners shall have the power, if it is deemed advisable so to do, to accelerate the collection and payment of taxes by allowing rebates thereon for the early payment of same and prior to delinquency, at the rate not to exceed one (1) per cent per month. Said board of commissioners shall also have the power to levy annually, and to collect, a poll tax of one (\$1.00) dollar of and from every male inhabitant of the said City of Fort Worth, over the age of twenty-one years, and under sixty years of age, who shall be a resident therein on the first day of January of the year for which such tax was levied, and the same shall go to the public school fund.

Provided, that in addition to the taxation herein authorized the board of commissioners may levy a special tax of twenty-five cents on the hundred dollars for extension and improvements of the waterworks, and may pledge the income of such special taxes for the payment of debts, contracted for such extensions or improvements of the waterworks provided that no such special tax may be levied nor such debts contracted except upon the approval of a majority of the qualified voters of Fort

Worth at an election duly ordered and held for that purpose according to the referendum provisions of this charter.

SEC. 19. The board of commissioners shall have the power to levy an occupation tax upon every occupation, profession, calling and vocation upon which an occupation tax is laid by the State of Texas; provided, however, that such occupation tax shall not exceed one-half of the amount exacted and required by the State of Texas. This tax shall be collected by the assessor and collector of city taxes and shall be paid by every person or persons, association of persons, firm or corporation which, under the laws of the State of Texas, are required to pay occupation taxes to the State. Provided further, that nothing herein shall be construed to prevent the city, in the use of its police power, from prescribing license fees or police tax necessary and proper to enable the city to exercise proper police surveillance over all persons, firms or corporations or calling subject to same.

SEC. 20. The board of commissioners of the City of Fort Worth shall have the power and authority, whenever they so elect, to issue for each year and during such years of the years 1909, 1910, and 1911, bonds of the corporate government of the City of Fort Worth, in the sum of one hundred thousand dollars (\$100,000), the proceeds of which to be devoted to the improvement of the streets and thoroughfares of said city.

In addition to the foregoing power, the board of commissioners shall have the power to fund any indebtedness which may be owing by the City of Fort Worth, whether the same may be floating, current or simple contract debts, and to issue bonds therefor to accomplish said funding purpose. Separate and apart from the foregoing powers, and in addition thereto said board of commissioners shall have the power to issue bonds for any lawful municipal purpose and shall have the power to refund any bonded indebtedness of the city whenever in their judgment such action is deemed wise and expedient. Provided, however, that no bonds shall be issued which shall allow more than five (5) per centum per annum interest, and same shall never be sold for less than par, and all bonds shall express upon their face the purpose or purposes for which they are issued. No bonds shall be issued unless authorized by ordinance, which ordinance shall take care to provide a fund for the payment of interest and a sinking fund of not less than two (2) per centum per annum, for the ultimate redemption of such bond issue; and said sinking fund may be invested in bonds of the United States or of the City of Fort Worth or bonds of counties in the State of Texas. Neither interest nor sinking fund shall be devoted to any other purpose than those herein enumerated. Provided further, that no bond shall be issued nor bonded debt created unless authority therefor shall first be submitted to the qualified voters who pay taxes on property in said City of Fort Worth, and if a majority of the votes at such election are in favor of the issuance of such bonds, then such issue shall be made, and should the majority be against the proposition, then such bonds shall not be issued and the board of commissioners shall have full power and authority to prescribe the way and manner in which such election shall be held, the notice to be given therefor, the polling places in vari-

ous parts of the city at which the election is to be held, prescribe the form of ballot, and otherwise, independently of the general laws of the State of Texas, provide for same; and this provision shall be held, in respect to this particular matter, to repeal the general statutory laws of the State applying to such elections. Said board of commissioners shall have the power, and it is made their duty from time to time; as they may determine, whenever so much as five thousand dollars (\$5000) shall have accumulated in sinking fund of any series of bonds, to invest the same of any such series in bonds of said City of Fort Worth in bonds of the counties of Texas, or in bonds of the United States, as may be deemed most advantageous by said board; provided, however, that when bonds of any particular series have heretofore or may hereafter be purchased for the sinking fund of the same series, said bonds shall be canceled and retired. It shall be the duty of said board of commissioners, upon the surrender of any evidence of indebtedness for which a new bond is to be issued under the provision of this act, and before the said bond is delivered, to cancel the evidence of indebtedness so surrendered by a punch or by otherwise mutilating said bonds so that they can not be again used; all matured coupons shall be surrendered with the bonds and no bond shall be received or refunded from which unmatured interest coupons are detached, unless such coupons are produced and surrendered with the bond.

SEC. 21. The board of commissioners shall keep, or cause to be kept for and on behalf of the city, a complete bond registry and set of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered under the provisions of this act, and all the other transactions of such board having reference to the refunding of the indebtedness of said city. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry and the said books so required shall be safely kept among the records of the said City of Fort Worth.

SEC. 22. The board of commissioners of Fort Worth shall annually levy and assess and collect a special tax of 2 cents on the one hundred dollars (\$100) on all property in the city subject to taxation for the support and maintenance of a free public library in said city. Said taxes to be levied, assessed and collected in the same manner as is required by this Act in the levy of other taxes.

SEC. 23. The board of commissioners shall have the power, should it deem fit to do so, to appoint a special attorney for the tax department of said city, to be known as the "Tax Attorney," whose duty it shall be, under the supervision of the corporation counsel, to press for collection and payment all unpaid and delinquent taxes due the City of Fort Worth and to prosecute suits thereon in courts of competent jurisdiction whenever instructed so to do; or the board of commissioners shall have the power to require the performance of such work by the corporation counsel, the prosecuting attorney, or other assistant to the corporation counsel.

SEC. 24. It shall be and is hereby made the duty of every person, partnership, joint stock association and corporation, owning, holding or having under his, their or its control, any personal property subject to

the taxation for municipal purposes, for any year to deliver to the city assessor and collector of taxes, at his office on or before the 15th day of May, of such year, a true and complete list thereof, with the actual cash value of such property, and of each item thereof.

Sec. 25. The assessor and his deputies shall be authorized to administer oaths and affirmations and shall require all persons to verify by affidavit all lists made by them, and may also examine upon oath any person touching the personal property for which he is liable to be assessed, or the value thereof, and may, by a notice delivered to any person or left at his residence, office or place of business, require such person within five days to deliver to him, at the assessor's office, any list or statement necessary for the purpose of making the assessment and to verify the same by affidavit; any person failing or refusing to verify such list when thereto requested by the assessor to be examined or answer on oath, regarding his property, and merchandise when thereto requested by the assessor, or to deliver and verify such list and statement when notified by the assessor so to do, shall forfeit to the city the sum of \$100, to be recovered in an action therefor in the name of the city, in any court of competent jurisdiction, and the assessor shall assess such person according to the best information he can get.

Sec. 26. The board of commissioners shall have the power by ordinance to provide for the assessment of the property and shares of capital stock for corporations, companies, banks and other like institutions, and of their notes and bills receivable and to determine when taxes shall be paid by corporations, and when by the individual shareholders, but until provision is made by said commissioners the said property and the shares of such corporation, companies, banks, shall be assessed and taxed in the same manner as is now provided by the laws of this State for the State and county taxes.

Sec. 27. It shall be the duty of the city assessor and collector of taxes, between the first day of January and the 30th day of May, of each year, to make and return to the board of commissioners, a full and complete list and assessment of all property both real and personal, held, owned or situated in said city on the 1st day of January of each year, and not by law exempt from municipal taxation, and also a list of all national banks and other corporations whose capital stock is liable to taxation, with the cash value of the shares of stock of each corporation, and the names of the owners thereof. All real estate listed and assessed shall be returned in the book or books separate from those in which personal property is listed and assessed and the assessor may make as many books as may be necessary for conveniently handling but no real estate shall be listed, assessed or returned in any book containing a list or lists of personal property. Each book shall contain blank columns appropriate and suitable for the extension of all taxes therein, and the lists and assessments shall be certified, verified and returned as hereinafter provided. But the failure of the said assessor and collector of taxes to make or return any list and the assessment within the time or in the manner provided, shall not affect or invalidate the assessment or any proceeding had in levying or collecting for said city, or in selling property for such taxes, or the title taken by any purchaser at any such sale.

SEC. 28. The city assessor and collector of taxes shall return in tabular form on his book or books, for the assessment of real estate such parcel of real estate subject to taxation, with such a description thereof as would be sufficient in a conveyance of such parcel of land between individuals, and with the statement of the value thereof so far as he finds it reasonably practicable. Said assessor and collector of taxes shall list said real estate in numerical order as to lots and blocks and shall place in a separate column the value attached by him to each lot, tract or parcel listed by him. When any property is not laid off in lots and blocks by some duly recorded plat, the assessor shall describe the same by any pertinent description and for the purpose of securing the same he may, but shall not be compelled to require the owner thereof to furnish such description and it is hereby made the duty of all owners of property not so laid off of record into lots or blocks to furnish said assessor and collector a sufficient written description thereof within not less than fifteen days of the time fixed by this charter for the return of the assessment list and books to the board of commissioners, and in case any owner shall fail to furnish such description within the time aforesaid, said assessor and collector may require the city engineer to make and return to him a survey of such property or he may use any other means he may think proper to obtain such description, and in any such case no assessment shall be invalid or in any-wise affected, nor shall any objection be made to the title or right of any purchaser at the sale, because the said property is not separately assessed.

SEC. 29. The city assessor and collector of taxes shall not be required to make separate assessments of individual or joint common or conflicting interest in any real estate, but the owner of any such interest may furnish to said assessor and collector of taxes at any time before the 15th day of May of each year, and not thereafter, a written description of any parcel of land in which he has an interest less than the whole, showing the amount of his interest therein, and the said assessor and collector may thereupon assess such interest as a separate parcel and the remaining interest as a different parcel and proceed to fix the value of each.

SEC. 30. The omission from the tax rolls of property, whether real or personal, by law subject to municipal taxation or the failure of the city for any cause to collect taxes for any year on any such property, shall have no effect to invalidate taxes on property listed on such rolls, nor shall any objection be made or considered to the title or right of any purchaser at a tax sale because of any omission or failure, but if the city assessor and collector of taxes shall discover that any real or personal property subject to municipal taxation for any previous year was not assessed or for any cause escaped taxation for such year, it shall be his duty, in addition to the assessment for the ensuing year, to assess such property for the year or years in which the same was not taxed.

SEC. 31. In case of an appeal by the city from any assessment made by the city assessor and collector to the board of equalization, the city secretary shall issue notice in writing to the owner or owners, or their agents, if non-residents, of the property on account of the assessment

of which the appeal is taken, of the date and place at which such appeal will be heard, at least five days before such hearing, and such notice shall be served by posting registered letter at the Fort Worth postoffice directed to the person or persons, firm or corporation, affected thereby according to the last known address of such person or persons, firm or corporation, or his, their or its attorney or agent, if known, provided, however, that the registry receipt shall be deemed conclusive evidence of the fact that such notice reached the person or persons, firm or corporation, attorney or agent, as the case may be, to whom same was addressed. Appeals by the city may be presented by the assessor and collector or by any other person, officer or agent designated by the board of commissioners so to do. Should the board find error in the assessment complained of, or that same was too low in valuation, then they shall order such assessment to be changed and corrected in accordance with their conclusion. The assessor and collector or one of his deputies, shall attend all sessions of the board of commissioners and make such corrections on the assessments as may be directed by the board, but in each instance the correction shall consist of a brief separate memorandum to be entered in proximity to the assessment, but same shall not be made by erasure or interlineation.

Sec. 32. Any person aggrieved by reason of any act of the assessor and collector of taxes in making up the assessments or in the valuation of property for taxing purposes, shall be entitled to make complaint to the board of commissioners, and to appeal to said board for revision and correction of the matter upon which said complaint is based. Said board of commissioners shall hear and determine such complaint or appeal, and may examine the complainant, his agent, or attorney, and all other persons who may shed light on said controversy, on oath touching the matter complained of and may compel the attendance of witnesses and the production of books and papers necessary to enlighten the board and elucidate the controversy.

Sec. 33. The hearing of complaints and appeals for the current year shall be concluded not later than the first day of September of that year, and at the first meeting of the board of commissioners held after that date, or as soon thereafter as is practicable, the city assessor and collector of taxes shall present to the board of commissioners the corrected assessment and an abstract or summary thereof, showing the gross amount of valuation of real and personal property subject to municipal taxation, upon which said board of commissioners shall proceed, by ordinance, to levy taxes for the current year.

Sec. 34. The action of the board of equalization shall be final in all cases, unless appeal is taken therefrom to the district court of Tarrant county, Texas, which may be done by any person, or the agent or attorney aggrieved by the action of the board, giving notice in writing to the said board of such appeal and the grounds thereof, within ten days after the final approval of the assessment rolls by said board and giving bond payable to the city, to be approved by the said city assessor and collector of taxes, in the sum of \$50 conditioned that the applicant will pay all costs of such appeal if the action of the board of equalization should be sustained by the court, or if the valuation of the property of such ap-

pellant should be raised over the amount at which it stands assessed. A copy of such bond and such notice of appeal, and a description made by the assessor and collector of taxes, of the property of appellant involved therein shall be filed in said district court by the assessor and collector of taxes, the application of the party aggrieved and the case shall be docketed upon the civil dockets thereof, and the name of the appellant as plaintiff, against the board of equalization of Fort Worth, defendant, and all such appeals shall be presented to the first term of the district court after the notice of the appeal is given and shall take precedence for trial of all civil cases in said court, and the decision of the district court in such matters shall be final; provided, however, that if such appeal had not been finally adjudicated by the 31st day of December, of the current year it shall be the duty of the appellant to pay all of said taxes assessed by the said board of equalization against him, and in case he fails to pay said taxes by said time said appeal shall be dismissed and the action of the board of equalization held to be final. But in the event appellant pays all taxes assessed against him by the board of equalization on or before December 31st of such current year, then and in that event if the court shall on final adjudication place a valuation upon appellant's property lower than the valuation placed by said board of equalization, the amount of taxes paid on the valuation which is found to be in excess of the valuation fixed by said court shall be refunded to him by warrant, drawn by order of the board of commissioners, and said district court shall compel the issuance and payment of such warrant. The list of the property and value thereof as settled by the board of equalization or a copy of so much thereof as may be pertinent to the question at issue, may be produced in court to be used in evidence on such trial.

SEC. 35. Immediately after the passage and approval, or taking effect without approval of an ordinance levying a tax for any year, the city secretary shall deliver a correct assessment for such year to the city auditor with a certified copy of the ordinance levying the taxes for that year, and the assessor and collector of taxes, under the supervision of the auditor, shall forthwith proceed to extend the taxes for the year upon the assessment books in appropriate columns to be left therein for that purpose, and shall also extend upon said books the amount of taxes for any previous year or years against any property returned as untaxed for such previous year or years. In extending taxes upon personal property, it shall be sufficient to extend the same upon the gross amount assessed against the person, but taxes upon real estate shall be extended upon the value affixed to each separate parcel. After all taxes have been so extended, the gross amount shall be footed up of all taxes as shown by the books upon the real estate, and the gross amount of all taxes upon the personal property, and of all taxes for previous years for which property was untaxed, and such footing shall be entered in said books, and the assessor and collector of taxes shall also enter therein his certificate to the effect that the taxes in said books are truly and correctly extended and entered according to the assessment of the property and the tax levy by ordinance for the current year, and the auditor shall approve the same and shall thereupon deliver said books to the city assessor and collector of taxes, who shall execute his receipt therefor, showing the gross amount

of taxes contained in said books and the amount of taxes on each separate class, which receipt the auditor shall safely keep in his office.

Sec. 36. The city assessor and collector of taxes may receive on parts of any lots or parcels of real property or on an undivided interest therein, but no such taxes shall be received until the person tendering the same shall have furnished the said assessor and collector of taxes a particular description of the part or interest on which payment is tendered, and the assessor and collector shall enter such specification in the name of the person paying and at the proper place in the assessment books, so that the part or interest on which payment has been made, and the part or interest on which taxes remain unpaid may clearly appear.

Sec. 37. The board of commissioners shall adopt rules and regulations to govern the giving of tax receipts by the assessor and collector of taxes, and shall approve assessment sheets and fix and determine in what manner the auditor shall check and regulate the accounts of such assessor and collector.

Sec. 38. If any taxes on personal property shall be suffered to become delinquent, the city assessor and collector of taxes shall proceed to make the same by the seizure and sale of the property on which such taxes are levied or of any other personal property belonging to the same owner and not exempt by law, and the tax books shall be sufficient warrant for such seizure and sale. All goods and personal property seized by said assessor and collector shall be kept by him at the cost and expense of the delinquent owner, and said assessor and collector shall give notice of the time and place of sale, and of the sale of the property to be sold within five days after seizure. Notice shall be given by posting written or printed notices for not less than five consecutive days prior to the day of sale, at three public places in the City of Fort Worth and the time of sale shall not be more than fifteen days from the date of the seizure. Sale shall be made by public auction to the highest bidder for cash, and no period shall be allowed for redemption of any property so sold. The city assessor and collector of taxes may appoint one or more deputies to aid him in the speedy collection of delinquent taxes, and any person resisting or impeding said assessor and collector or any of his deputies, in the performance of any duty required of him or them by the provisions of this section, shall be liable to be fined in any sum not exceeding one hundred dollars. The assessor and collector shall be allowed fees for the seizure of personal property for delinquent taxes, and for keeping the same in custody, and for preparing and posting notices of sale thereof, and for selling such property and executing to the purchaser proper bills of sale, and the board of commissioners shall by ordinance fix the amount of such fees, which shall not exceed the amount allowed to sheriffs for like service under execution from a court of record.

Sec. 39. The board of commissioners shall provide by ordinance for settlement with the assessor and collector of taxes delinquent taxes on personal property which said assessor and collector has been unable to collect and for delinquent taxes on real estate sold for taxes to the city, or otherwise remaining uncollected without fault on the part of said assessor and collector.

SEC. 40. If any unredeemed tax be held void or of no effect to convey the real estate described therein or the interest in such real estate which said deed purports to convey the grantee in such deed, or his heirs or assigns or legal representatives as the case may be, shall nevertheless be held to be subrogated to the right and liens of the city against the said real estate and the owner thereof shall recover against said owner the amount of all taxes, penalties and cost paid to the city for such tax deed, with interest thereon from the date of such payment at the rate of 8 per centum per annum and with a foreclosure of a first and prior lien upon said real estate and an order for the sale thereof.

SEC. 41. Each assessment, land tax book, personal tax book, notice made or executed under or pursuant to this article, shall be liberally construed to effect the purposes and objects of this article, and in determining the validity thereof no error or irregularity in any assessment, land tax book, personal tax book, notice, advertisement deed, paper or document aforesaid relating to the assessment, levy or collection of the taxes of the city, shall in any manner effect or impair the validity of any tax or any sale or other proceedings for their collection. This charter shall be taken and held to be a full and sufficient notice of all acts and proceedings for the assessment, levying and collecting of taxes of the City of Fort Worth.

CHAPTER VII.

SECTION 1. The board of commissioners shall have power and authority to make and provide for the enforcement of regulations to prevent the introduction into the city of any contagious or infectious disease, and make quarantine laws, and all other necessary or expedient laws, rules and regulations for the promotion of health and the suppression of disease, and may enforce them or cause them to be enforced at any place within the city or outside of its limits and within ten miles thereof, and may erect and establish such hospitals and pest-houses and places of detention within or without the city for persons infected or suspected of infection with contagious disease as may be thought necessary, and may control and regulate the same; and to that end and for that purpose shall have the power to purchase all necessary materials, employ such help, and expend moneys as in the judgment of the said board of commissioners may seem just and proper.

SEC. 2. The board of commissioners may appoint as many health inspectors as are deemed necessary and may by ordinance prescribe the powers, duties and compensation of such health inspectors, and may authorize them or any of them or any other of its officers or employes to stop, examine and detain any person or persons coming or suspected of coming from any place infected or believed to be infected with any infectious or contagious disease, and to prevent any such person or persons from entering the city, and said board may also authorize and empower such inspectors, officers and employes, or any of them to cause any person suspected of being infected with or exposed to any contagious or infectious diseases to be sent to the city hospital or pest house or such other place of detention as the board of commissioners may provide, or said board may cause any such person or persons to be confined and isolated

in the rooms or premises where they are found, and to remove from the city, disinfect or destroy any furniture, wearing apparel or property tainted or infected with or exposed to infection from any contagious disease, or which shall be likely in the opinion of the city physician to pass into such state as to propagate, generate or communicate disease, or germs thereof.

SEC. 3. The board of commissioners shall provide by ordinance for abating all nuisances of every description, which are or may become injurious to the health or comfort of any of the inhabitants of said city, and shall make and provide for the enforcement of all necessary rules and regulations for the preservation of health and to suppress disease, and to prevent its spread within the said city, and shall not in any case whatsoever be liable or held for injuries to persons or property, or for any damages in any manner occasioned in the enforcement or attempted enforcement of any of its rules, regulations or ordinances, or of the provisions of this charter for the preservation of the health of the said city or to prevent entrance or spread within said city of infectious or contagious diseases or the germs thereof.

SEC. 4. The owner, driver or conductor in charge of any stage, railroad car or other public conveyance which shall enter the city having on board any person sick of a malignant fever or pestilential, contagious or infectious disease, unless such person became sick on the way and could not be left, shall be guilty of a misdemeanor punishable with fine; and such owner, driver, conductor or person in charge shall within three hours after the arrival of such sick person, report in writing the facts, with the name of such person and the house where he was put down in the city, to the city physician, and every neglect to comply with these provisions shall be a misdemeanor and punishable by fine.

SEC. 5. Any person who shall knowingly bring or cause to be brought into the city any person or property of any kind tainted or infected with any pestilential, infectious or contagious disease, shall be guilty of a misdemeanor and punished by fine.

SEC. 6. Every keeper of any inn, tavern, boarding or lodging house in the city, in which any inmate thereof shall be sick with smallpox, variloid, yellow fever, or other infectious, contagious or pestilential disease, shall upon such facts coming to his or her knowledge forthwith report the same to the city physician. Every physician in the city shall report under his hand to the officer above named the residence and disease of every patient whom he shall have sick of any infectious, contagious or pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section or any part of either of them shall be a misdemeanor punishable by fine. The board of commissioners shall also have power to require the filling up, draining and regulating of any lot or lots, grounds or yards, or any other place in the city which shall be or become unwholesome or offensive or have stagnant water therein, or from any other cause to be in such a condition as to be liable to produce disease, and to cause all premises or houses under which or about which such stagnant water may be found, and to pass such ordinances as they may deem necessary for the purposes aforesaid, and for the making, filling

up, altering or repairing and the construction of sewers and compelling cleanliness of all sinks, privies and water closets, and directing the mode and material for constructing them in future, and for regulating the plumbing thereof and the connections with the water and sewer systems; provided, that no preference shall ever be given to any manufacturer or dealer in sinks, closets or material used therein, and for cleansing and disinfecting the same, and for the cleansing of any house, building, establishment, yard or ground from filthy, impure or unwholesome matter of any kind, and to punish any owner or occupant violating the provisions of this ordinance so passed as aforesaid, and the board of commissioners shall also have full power to cause any of the improvements above mentioned to be done at the expense of the city, on account of the owners, and to cause the expenses to be assessed on the real estate or lot or lots benefited thereby, and on filing with the county clerk of Tarrant county a statement by the mayor of such expenses, shall have a first and privileged lien on such property to secure such expenditures and 10 per cent interest per annum thereon. For any such expenditures and interest as aforesaid suit may be instituted and recovery had in the name of the corporation in any court having jurisdiction.

SEC. 7. It shall be the duty of the city physician to visit and treat as often as necessary and in a skillful manner all parties sent to the city hospital by the city authorities and all persons confined or detained in any pest-house of detention, and when directed by any committee of the board of commissioners to visit such persons as are indigent and unable to pay for medical attention and to render all necessary attention to such indigent persons and to perform such other duties as the board may from time to time direct, and for his services he shall receive a salary not to exceed \$1500 per annum, payable in monthly installments. The board of commissioners may, in their discretion, require the city physician to give bond in such amount and with such conditions as it may prescribe. The city physician may be authorized by the board of commissioners, when the public interest requires, to exercise for the time being such of the powers and perform such of the duties of the chief of police as the board of commissioners may direct and authorize, and he may also be authorized by the board to enter all houses, buildings and places, public and private, at any and all times in the discharge of his duties under this charter or under any ordinance of the city, after first asking permission of the owners or occupants. The board of commissioners shall have the power to punish by fine any neglect or refusal to observe the orders and regulations of the city physician.

SEC. 8. The board of commissioners of the City of Fort Worth shall have the power to co-operate with the county commissioners of Tarrant county, Texas, in making such joint improvements in the City of Fort Worth in which both county and city may be interested as may be deemed proper by both such bodies, and shall have the authority and power to unite with said county commissioners in promoting concert of action in relation to the health and sanitation of the city, the observance of quarantine laws, the establishment of hospitals and detention camps, and otherwise to act together in all such matters as will

tend to the improvement of the health, welfare, sanitation, morals and material interests of the City of Fort Worth.

SEC. 9. The board of commissioners may by ordinance compel the owner or occupant of any grocery, soap, tallow or chandler establishment, or blacksmith shop, tannery, stable, slaughter-house, distillery, brewery, sewer, privy, hide-houses, or any unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants, and direct the abatement thereof and provide for the punishment by fine of any one found guilty of maintaining a nuisance within the limits of said city.

SEC. 10. The board of commissioners may prohibit by ordinance any person from bringing, depositing or having within the limits of said city any dead carcass, or any other offensive or unwholesome substance or matter, and may require the removal or destruction by any person who shall have placed or caused to be placed upon or near his premises or elsewhere of any substance or matter, filth or any putrid matter or unsound beef, pork or fish, hides of any kind, and on his default, may authorize the removal or destruction thereof by some officer of the city and require the owners of any dead animal to remove the same to such place as may be designated. To provide rules and regulations for the government of the citizens of the city in constructing, managing and maintaining water closets, stables and any and all other places which are liable from use to become unsightly or offensive, and to provide and prescribe rules and regulations for cleaning, disinfecting and preserving in a sanitary condition the said closets, stables, etc., and to enforce, by penal ordinance, compliance with and obedience to the said regulations upon the part of all persons, firms or corporations, occupying, using, controlling or managing the same; and the said commissioners shall have the power to make, contract or contract with any person, firm or corporation for performing the work necessary to keep such closets, stables, etc., in proper condition and to prescribe penalties for the failure of owners, controllers, managers, etc., of such places for refusing or failing to engage and employ some authorized person to keep such place or places in a sanitary condition and to prescribe penalties for failure or refusal to pay for such services when the same shall have been performed, and to regulate and prescribe the charges for such services.

SEC. 11. The board of commissioners may also by ordinance require owners of private drains and sinks that are liable to become offensive or injurious to health, to fill up, cleanse, drain, alter, relay, repair, fix and comply with such orders; the party so failing shall be liable to fine. In the event of there being no person in the city on whom such an order can be served, the city may have such work done and such improvements made on account of the owner thereof, and all costs, charges and expense shall be a lien upon the property on the filing of the memorandum by the mayor under the corporate seal of the city, and recording the same with the clerk of the county court; and the city may enforce said lien and institute suit in the corporate name and obtain judgment against said party for the amount due as aforesaid in the court having jurisdiction.

SEC. 12. *Cemeteries and Mortality Lists.*—The board of commissioners is hereby given the full power to regulate the burial of the dead, to purchase, establish and regulate one or more cemeteries, to require and regulate registration of births, marriages and deaths, and to direct the returning and keeping of bills of mortality.

SEC. 13. *Tanneries, Stables, Slaughter-houses, etc., Control of.*—The board of commissioners is also authorized to direct the location of tanneries, blacksmith shops, foundries, livery-stables, and manufacturing establishments, to direct the location, regulate the management and construction, restrain and abate and prohibit within the city limits slaughtering establishments and hide houses, or establishments for keeping and curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as may be rendered and all other establishments or places where any nauseous, offensive or unwholesome business is carried on.

SEC. 14. The board of commissioners of the City of Fort Worth shall have the power by ordinance to prescribe the limits within said city in which the business of selling intoxicating liquors or medicated bitters capable of producing intoxication, at retail, may be conducted, and to prohibit and suppress the conduct or location of such business outside of the limits so prescribed, which limits shall be known and designated as the saloon limits of the City of Fort Worth; and the board of commissioners shall have the power to provide for the punishment of all persons who shall violate the ordinance enacted hereunder and revoke the license that shall have been theretofore granted to same.

SEC. 15. No license or permit shall ever be granted by the City of Fort Worth or by the board of commissioners to any person, association of persons, firm or corporation to sell spirituous, vinous or malt liquors, or any other intoxication beverages at retail without the saloon limits or within four hundred feet of any public school building in said city, which distance shall be calculated by means of the most direct route for pedestrians over and across the public thoroughfare leading from such school building or ground to such establishment.

SEC. 16. The board of commissioners shall have the right to prohibit the sale directly or indirectly, of intoxicating liquors or beverages within the city except by persons duly licensed therefor.

SEC. 17. *Saloons—Hours to Be Closed—Penalties.*—From and after the passage of this act all saloons located and situated within the corporate limits of the City of Fort Worth where intoxicating liquors are sold, shall close their doors and places of business from and after 12 o'clock midnight until 5 o'clock a. m. of each week day, and shall remain closed and transact no business at such places from and after 12 o'clock midnight Saturday until 5 o'clock a. m. of the following Monday of each week, and any proprietor of any such saloon who may be convicted or whose agent may be convicted in any court of competent jurisdiction for opening or permitting to be opened, or for transacting or permitting to be transacted in any such saloon, any business, between the hours aforesaid, or who may be convicted of any violation of any of the laws of the State of Texas regulating and affecting the sale of intoxicating liquors, shall by reason of such conviction forfeit the

city license of such proprietor and all his rights to conduct business thereunder, and the unearned portion of the occupation tax paid to the city for any such license shall not be refunded, and thereafter no license for such purpose shall be issued by the city to any such person or other person for him, or to any firm or association of persons in which such person may own an interest or any stock or shares, for a period of two years, and the board of commissioners shall enact such ordinances and such penalties as may be necessary to make the provisions of this section effective. This section of this act is cumulative to other laws and penalties regulating and affecting the sale of intoxicating liquors.

SEC. 18. The board of commissioners shall also have the power:

To require all theaters, places of amusement and business houses to remain closed on Sunday.

To restrain and prevent the sale, bargaining or giving away of any intoxicating liquors in any house or place where any theatrical or dramatic representations are given; to restrain or prevent the same being brought in or to such places under any pretext whatever.

All rooms or buildings or apartments of any kind inside the rooms where such representations are given, or being a part of it, or joining or connecting therewith by any door or doors, dumb waiter, or opening of any kind, shall be held to be within the places inhabited.

To prevent and punish the keeping of houses where indecent, lewd or immodest theatrical representations are given, houses of prostitution within the city, and to adopt summary measures for the removal or suppression of all such establishments, provided, however, that this power shall not be construed to affect the right of the commissioners to designate and set out limits within which prostitutes and lewd characters may dwell.

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

To suppress and prevent any riot, affray, noise, disturbance or disorderly assembly in any public or private place in the city.

To prohibit and restrain, or to regulate the firing of firearms, guns and pistols, or the use of velocipedes and bicycles automobiles or any other conveyance, or any pyrotechnic or other amusements or practices tending to annoy persons passing in the streets or sidewalks or to frighten horses or teams.

To regulate, restrain and punish public vagrants, mendicants, street beggars and prostitutes.

To prevent, prohibit and suppress horse-racing, immoderate or careless riding or driving in the streets.

To prohibit and punish the abuse of animals and to prevent cruel treatment of same; to compel persons, firms or corporations to fasten their horses or other animals attached to vehicles securely to posts or rings fixed in the sidewalk for that purpose, and to make such other regulations, rules and to pass such other ordinances respecting the same as to the board of commissioners may seem requisite and proper.

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

To establish and regulate public pounds, and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats and all other animals and to authorize the restraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred and to order their destruction when they can not be sold, and to impose penalties on the other [owner] thereof, for a violation of any ordinances relating thereto. To regulate or 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 for violation of such ordinance.

To establish or erect or cause to be established or erected market places and privileges therein; to inspect and determine the mode of inspecting meat, fish, vegetables, and all produce and every article and thing therein bought for sale.

To license, tax and make such rules and regulations in relation to butchers as they may be deemed necessary and proper.

To erect and establish one or more work-houses or houses of correction within or without the city limits and to make all necessary rules and regulations therefor and to appoint all necessary keepers or assistants, and to cause to be confined therein any or all persons who shall fail or refuse to pay the fine, penalty or cost lawfully imposed in the city court because of any violation of the laws of the city, and to compel such inmates to perform such labor and service therein as may be required.

To compel and force all offenders against any of the ordinances of the city found guilty by the city judge and sentenced to fine, who shall fail or refuse to pay such fine and all costs and penalties to labor on the streets or alleys of the city or on any public works under such rules and regulations as may be by ordinance established.

SEC. 19. *Ordinances, Rules and Regulations—Fines.*—The board of commissioners shall have the power to pass, amend or repeal all ordinances, rules and police regulation not contrary to the laws and 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 charter in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations and to punish violations thereof by fine, penalties and costs; but no fine or penalty shall exceed two hundred dollars (\$200), and for any fine, penalty and costs imposed by the recorder in the trial of any cause or complaint before him, execution may issue to collect such fine, penalty and costs, to be levied and executed in the same manner that executions are from the district or county court. The same shall be issued by the recorder to the chief of police, who, in levying on the property and selling, shall have like power and authority as the sheriff in executions issued from the district or county 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 corporation court in Fort Worth, and any person upon whom any fine or penalty is im-

posed may be committed until the payment of the same with costs, and in default thereof may be imprisoned in the city prison or workhouse 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 or by law.

SEC. 20. The board of commissioners shall have the power to designate and set out the limits within which prostitution and lewd characters may dwell and to provide for such territory by means of ordinances, and shall have the further power to make and adopt such rules and regulations and such ordinances as will serve properly to control the inmates of said territory.

SEC. 21. The board of commissioners shall have the power to prohibit mendicants, beggars, persons of infirm or maimed bodies, or suffering from diseases of any kind, from soliciting alms, help or assistance upon the thoroughfares or sidewalks of said city, and to prescribe penalties and punishment for the failure to observe such prohibition.

SEC. 22. The board of commissioners shall have the power to restrict the removal of offal, refuse matter, solid or liquid, trash, debris, night-soil, decaying vegetable or animal matter, and putrid stuffs, from premises, private and public, under such rules, regulations and ordinances as may be adopted by the board of commissioners, to a person or persons licensed by the city so to do, or to a garbage officer and his assistants acting under and by authority of the city, and to prescribe a scale of fees therefor; and whenever necessary, the City of Fort Worth shall be empowered and permitted to enter into a contract with a person, firm or corporation to haul away and dispose of the aforesaid garbage matter, including night-soil, and to prescribe regulations connected therewith, which shall be binding upon the citizens and inhabitants of said city.

SEC. 23. The said board of commissioners shall have the power to regulate the height and character of fences on private property and the erection and maintenance of same within said city, and to prohibit the erection or maintenance of "spite fences," which are intended to or have the effect of excluding light or air from neighboring houses and to provide appropriate penalties for the execution of this power.

CHAPTER VIII.

CORPORATION COURT.

SECTION 1. There is hereby created and established a court to be held in the City of Fort Worth, in Tarrant county, Texas, which shall be known as the corporation court of the City of Fort Worth and shall have jurisdiction within the territorial limits of said city of all the criminal cases arising under the ordinances of said city; and shall also have jurisdiction concurrently with the justice of the peace of the precinct or precincts in which the said city is or may be situated, of all criminal cases arising under the penal laws of the State of Texas where the offense was committed within the territorial limits of said city, and the punishment is by fine and the maximum of said fine under the laws of said State may

not exceed two hundred dollars. Said court shall have no civil jurisdiction except for the forfeiture and collection of bonds given in case of proceedings pending therein. Provided, however, that if by general law of the State of Texas, the jurisdiction of corporation courts of towns and cities is enlarged so as to give concurrent jurisdiction to such courts over misdemeanor cases with State courts, that such jurisdiction as so enlarged shall attach to said city court. All fines collected upon judgments rendered in said court shall be paid into the city treasury for the use and benefit of said city.

SEC. 2. There shall be no terms of said court, and said court shall be deemed open from 9 o'clock a. m. until 6 o'clock p. m. of every day, Sunday alone being excepted, and all applicable rules relating to process, pleading, practice and procedure now established for the county courts of Texas shall apply in said corporation court in Fort Worth, except that all criminal proceedings and prosecutions in said last named court shall all be commenced by complaint, which shall run in the name of the State of Texas and shall conclude "against the peace and dignity of the State;" if any offense is charged under an ordinance of the city the complaint may also conclude "against the ordinances of said city in such cases made and provided." Every complaint filed in said court shall be verified by affidavit, and such complaint may be sworn to before the recorder, the city secretary, or the prosecuting attorney or corporation counsel, and for the purpose aforesaid each and every one of such officers are hereby empowered to administer oaths, or such complaints may be sworn to before any officer authorized by law to administer oaths. Except as herein otherwise provided, the rules and regulations now in force regulating complaints in criminal cases in justice courts shall apply to and govern complaints in the Fort Worth corporation court. Said last named court shall have a seal, upon which shall be engraved a five-pointed star and the words "Corporation Court in Fort Worth, Texas," and the impress of said seal shall be affixed to all process except subpoenas issued out of said court, and shall be used to authenticate the official acts of the city secretary as clerk of said court, and of the recorder as judge thereof, and the said city secretary is hereby constituted the clerk of said court, and it shall be his duty to keep a record and minutes showing all the orders and proceedings of said court and to collect and receive all fines and costs and fees imposed in said court and to pay the same over to the city treasurer.

SEC. 3. *Process—Costs—Fees—Judgments.*—All prosecutions and proceedings of a criminal nature, in said court, whether under a city ordinance or under a State penal statute, and all process, issued out of said court shall run in the name of the State of Texas, and all such process shall be executed and served by the chief of police or any policeman of said city, under the rules and regulations provided by law for the service by sheriffs and constables of process issued by county courts in so far as such rules and regulations are applicable to process from the corporation court in Fort Worth, and there shall be taxed against and collected of each defendant in the case of his conviction in said court the same costs and fees for the recorder and for the chief of police and for the prosecuting attorney, as are now provided by law for the justices and consta-

bles and for the county attorney, respectively, in criminal cases, and in justice courts, and for the city secretary, acting as clerk, there shall be taxed and collected the same fees and costs as are now allowed by law to the county clerk for like services in criminal cases in the county courts, and said fees and costs shall be paid into the city treasury and disposed of as the board of commissioners shall direct. The judgment of said court shall be enforced by imprisonment of any defendant or defendants adjudged guilty therein until the fine, costs and fees assessed against that defendant shall have been paid or until the same shall have been satisfied at such rate per day during imprisonment at hard labor as the board of commissioners of said city may provide, and any such judgment may also be enforced by execution against the property of the defendant or defendants adjudged guilty therein.

SEC. 4. *Recorder—Qualification, Powers, Term of Office.*—Said court shall be presided over by a judge, who shall be known as the recorder, and said recorder shall be elected by the board of commissioners of the City of Fort Worth, and unless sooner removed, shall hold office for two years and until his successor has been elected and qualified. The recorder shall reside within and shall be a qualified voter of said city, and he shall also be a lawyer, and he shall have full power and authority to enforce all process of said court and to punish witnesses for failing to obey subpoenas and to compel their attendance by process or attachment and to punish all contempt of his court by fine or imprisonment, or both, and he may require of any person or persons arrested a bond or bonds, for good behavior, binding such person or persons to keep peace, or he may require of such person or persons a bond or bonds for his or their appearance before said court, and no such bond shall be taken except it be executed by a person in whose behalf it is made and with two or more good and sufficient sureties, to be approved by said recorder, and all bonds taken in proceedings in said court shall be payable to the City of Fort Worth. Said city recorder shall have power and authority to administer official oaths and affirmations and to give certificates thereof, and either the said city recorder or the city secretary acting as ex-officio clerk of said court, shall have full power and authority to issue subpoenas, writs of capias, search warrants, executions and all other process known to the law which justice courts are by law authorized to issue in similar cases. If, for any cause, the recorder shall temporarily fail to act, then and in such case the mayor, or in his absence, inability or disqualification, the acting mayor of said city is hereby authorized to appoint some qualified person who shall act in the place and stead of said recorder, and who shall have all the powers and discharge all the duties of said office, and shall receive the compensation therefor accruing while he is so acting. The recorder shall receive a salary of not less than fifteen hundred dollars per year, payable in monthly installments.

SEC. 5. *Jurors—Qualifications, Selection.*—All jurors in said court shall be residents of and qualified voters within the City of Fort Worth, and shall be otherwise possessed of all qualifications required of jurors in county courts, and they shall be summoned and selected in such manner as the board of commissioners of said city has provided or at any time hereafter may provide by ordinance.

SEC. 6. *Appeals—When Can Be Made.*—Appeals to the county court of Tarrant county from convictions in said corporation court in Fort Worth shall lie in all cases, and such appeals shall be governed by the same rules and practice and procedure as are now provided by law in such cases of appeals from a justice's court to the said county court in so far as said rules are applicable.

SEC. 7. *General Laws Governing Towns and Cities—Act Cumulative of.*—The foregoing six sections are hereby declared to be cumulative to an act passed by the Twenty-sixth Legislature entitled "An Act to establish and create in each of the cities, towns and villages of this State a State court to be known as the corporation court in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts."

CHAPTER IX.

ADDITIONAL POWERS OF THE CITY OF FORT WORTH.

SECTION 1. The City of Fort Worth, which is made a body politic and corporate by the terms of this act, shall have perpetual succession, and shall have and use a common seal and impress the same upon all its obligations, documents and contracts, with the right on the part of the board of commissioners to change such seal whenever deemed proper and expedient to do so. It may sue and be sued, plead and be impleaded, in all courts, whether of law or equity; may contract and be contracted with; and as such body corporate, the said City of Fort Worth and its successors shall succeed to, own and possess all of the property, whether real, personal or mixed, now held and enjoyed by said city under prior acts of incorporation, and acquisitions thereunder.

SEC. 2. Said City of Fort Worth may take, hold and purchase such personal property, chattels, animate or inanimate, lands and real property as may be needed for the corporate purposes of said city, whether in or out of the corporate limits of the city, and may sell, lease, alienate, exchange, or encumber any real estate or personal property owned or acquired by it; provided, however, that no sale shall be made of any public property owned by said city whose value exceeds \$25,000, without first making such intention known by means of publication in a daily newspaper published in said city for a period of thirty days, during which time it shall be lawful for qualified voters, who shall not be fewer than five hundred in number, to petition the board of commissioners for a referendum, in which event the matter of such sale shall be referred to the people at an election to be held for that purpose, at the time and in the way and manner to be prescribed by the board of commissioners of said city, and in the event a majority of the votes cast at such election is in favor of such proposition, then the sale shall be made; otherwise, such sale shall not take place.

Said City of Fort Worth shall have the power:

SEC. 3. To condemn property in any court of competent jurisdiction, whenever deemed expedient, within or without the limits of the city, upon compensation duly paid, for any public or municipal use or

purpose, and shall be governed in such proceedings by the general law of the State relative to condemnations.

SEC. 4. To enact and enforce ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove nuisances of all kinds and descriptions, and to preserve and enforce the good government, order and security of said city and of its inhabitants, and have and enjoy general police powers of a city; and the enumeration of other powers elsewhere herein and the specifications of same shall not be regarded as limitations upon the general powers herein conferred upon the city by this section.

SEC. 5. To make and enter into all proper contracts, necessary and essential to carry out the purposes and exercise the powers of a municipal government, under the terms of this charter.

SEC. 6. To regulate, and if necessary, to prohibit the ringing of bells and the blowing of whistles of railroad engines or locomotives within the city limits, the blowing of steam or air or electric whistles by mills, factories, compresses, and by electric, street or interurban cars, and otherwise to restrain and prohibit the ringing of bells, the blowing of whistles, horns or bugles, crying of goods, and other noisy practices and performances which tend to disturb the peace of the city and the comfort of the inhabitants thereof; and to suppress and restrain the cries of hawkers and venders of goods along and upon the sidewalks, streets and thoroughfares of said city, and all noises, practices and performances which lead to the collection of persons on the streets and sidewalks, and generally, all other noises of whatsoever kind or character which tend to interrupt the peace, comfort and good order of said city.

SEC. 7. To restrict the removal from all premises and places, public or private, of offal, refuse matter, solid or liquid, trash, debris, night-soil, putrid matter, to a person or persons licensed by the city so to do, or to a garbage officer and his assistants acting under and by authority of the city, and to prescribe a scale of fees therefor; and wherever necessary, the city shall be empowered and permitted to enter into a contract with a person, firm or corporation, to haul away and dispose of the aforesaid garbage matter, including night-soil, and prescribe regulations connected therewith, which shall be binding upon the citizens and inhabitants of said city.

SEC. 8. *Street Railways—Duties of, Powers Over—Telephones, Street Railways—Charges of.*—The board of commissioners shall have power by an assessment of taxes for said purpose or otherwise, to require any street or electric railway company or steam railroad company to bear its reasonable share of the expenses of sprinkling or sweeping such portions of any street or alley as are traversed by its lines. The board of commissioners shall have power to compel all street railway companies to supply ample accommodations for the safe and convenient travel of the people on the streets where their tracks may run in the vicinity thereof, and to compel said railway companies to furnish ample, safe, comfortable and convenient cars for transportation of passengers and to make such other regulations as may by them be deemed necessary for the safety, convenience and health of the public in the running of street cars. And said board of commissioners shall have power to authorize any street

railway company or companies owning or operating a line of street railway in said city to use the tracks of any other street railway company or companies for the purpose of traffic thereof, for a distance in any one locality of two blocks and contiguous streets, and around the court house square, city hall, railway depots and over, across or through any viaduct, bridge, railway track or tunnel and approaches thereto on paying just compensation for such use; and may by ordinance provide a method of determining such just compensation, should the companies interested fail to agree thereon; and shall have power by resolution to forfeit the franchise of any company failing to pay such just compensation when agreed on or determined; and to forfeit the franchise of any company refusing to permit its tracks to be used by another company after being legally required so to do. The board of commissioners shall have the power by ordinance to fix and regulate the price of water, gas and electric lights and electric power and steam heating, and to regulate and fix the fares, tolls and charges of local telephone service and charges of street railways and of public carriages, and hacks and vehicles of every kind, whether transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls or charges of all public utilities of every kind.

SEC. 9. To prescribe the district or area within which hawkers, peddlers and venders of goods, wares or merchandise, on foot or in vehicles, may ply their avocation, and the hours within which they may do so, and, if deemed proper, to prescribe different hours and different localities within which each class may ply his respective calling or vocation.

SEC. 10. To compel all street railways and steam railway companies to change their tracks and roadbeds from one part of the street to another as the public necessity may require.

SEC. 11. The board of commissioners of the City of Fort Worth shall not grant to any person, or corporation, a franchise, or extend the life of any existing franchise beyond the term originally fixed for its termination by the ordinance granting the same, for the use or control or distribution of any public utility, such as gas, water, electric light works, street railways, conduit system for electric lights, telephone or telegraph lines and all other public utilities, whether similar or otherwise to these mentioned, unless the proposed ordinance granting such franchise, or the extension thereof, shall first have been submitted to a vote of the qualified voters of said City of Fort Worth, at either a general election, or a special election called therefor, and until the same shall have been approved by a majority of the electors of said city voting thereon at such election. All franchises shall be granted upon condition, and the same shall be a part of the franchise grant, that the board of commissioners of said city shall have the right to fix and regulate the price for the service to be performed thereunder; and upon the further condition that the city shall have the right to purchase the property operated thereunder at any time after ten years subsequent to such grant, at the actual replacement value of said property, less depreciation; the replacement value to be determined, in case of disagreement between the city and the owner of the property, by arbitration as provided by the statutes of the State of Texas. And

upon the further condition that the firm or corporation operating under such franchise shall pay an annual tax of not less than three per cent on its gross earnings for the first ten years of its operation, and that the failure so to do shall work a forfeiture of the franchise grant. The board of commissioners shall have the power to compel all persons, firms or corporations, whether operating under existing franchises, or franchises that may be hereafter granted, to extend their service, lines, pipe, etc., if the persons to be benefited by such extension will pay the costs thereof, or if it can be shown that the revenue resulting from such extension will within a reasonable time after same is made, pay a reasonable return on the investment, after making the customary allowance for depreciation. No franchise for a longer period than twenty-five years shall ever be granted or given by the City of Fort Worth.

No franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, until within twelve months next preceding the termination of the life of such franchise as fixed by the ordinance originally granting the same, and no franchise shall be granted to any person or corporation now owning, controlling or using a franchise, or to any person or corporation, for the use of such person or corporation now owning, controlling or using a franchise whereby the franchise rights of such persons or corporation will continue or be in effect beyond the term originally fixed by the ordinance granting the same, provided that such franchise may be granted within twelve months next preceding the expiration of the franchise rights so being owned, controlled and used by such person, or corporation, as fixed by the ordinance originally granting the same, and no franchise shall ever be granted to any person or corporation now owning, controlling or using a franchise, or to any person or corporation for the use of such person or corporation now owning, controlling or using a franchise, until within twelve months next preceding the expiration of the existing franchise. All franchises granted in violation of the provisions of this section shall be invalid.

Provided, that the board of commissioners shall have the right to grant unto any existing steam, street or interurban railway company the right for extensions, connections, branches or changes of or with the lines or tracks of any such existing companies on any of the streets or alleys of said city for a distance of not to exceed one mile in length, and unto any electric or motor interurban line the right to enter and operate on the streets of said city over the tracks of some other railway line, upon such terms and conditions as they may prescribe; and none of the provisions of this act shall be applicable to such rights for extensions, connections, branches, changes or rights to enter the city over the tracks of some other railway. Provided further, that all ordinances granting such rights shall run co-existent with the life of the franchise under which said lines of railway are operated.

All propositions for public utilities, or ordinances granting franchise rights, which are to be submitted to a referendum vote, shall be published by title, and in full, for at least once a week for eight consecutive weeks immediately preceding said election in at least two newspapers published in the City of Fort Worth, and the board of commissioners may require that any and all expenses thereby entailed shall be paid

by the person or persons or corporations applying for the franchise. All of the hereinafore provisions contained in this section shall apply to franchises that are pending, or which may have been granted, but which have not yet taken effect.

SEC. 14. To build, construct, reconstruct, repair, renovate, operate and maintain such public buildings and to contract therefor subject to the limitations contained in this charter and the Constitution of the State of Texas.

SEC. 15. To provide for license fees, police tax and surveillance and generally to regulate hackmen, draymen, omnibus drivers, baggage wagon drivers, and drivers and owners of vehicles of every kind following a public vocation or lending their vehicles for such purpose, and all others pursuing like occupations, with or without vehicles and to prescribe their compensation, and to make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to provide and regulate public stands for vehicles and to prohibit the standing of such vehicles or horses at other than such places, and to regulate and provide a police tax and to license and restrain runners and drummers for railroad vehicles of any kind to hotels, public houses, or any other places whether of like or unlike kind.

SEC. 16. To license and regulate, and if necessary to suppress, ticket brokers or scalpers or dealers in railway tickets within the City of Fort Worth.

SEC. 17. To require pawnbrokers, dealers in metals and junk, dealers in second hand goods, wares and merchandise of any kind, to keep a book in which shall be entered, in ink, a description of every article purchased by or pawned with such pawnbroker, second hand or junk dealer, and the name of the person or persons from whom such article was purchased or received in pawn, and the hour of the day and the date of the reception of same, and to provide that no purchase shall be made from minors except by and with the written consent of the parent or guardian, and to require that junk dealers shall not sell or dispose of goods they have acquired or purchased for twenty-four hours after the receipt of same, and to require all such persons hereinabove named to submit to an inspection by the police of their books and papers, and to require the payment from junk dealers and pawnbrokers of a special license or police tax to remunerate the City of Fort Worth for police surveillance necessary to be exercised over same; and to provide adequate penalties and punishment for failure to observe the terms of any ordinance enacted hereunder.

SEC. 18. To regulate the inspection of beef, pork, flour, meal, salt, milk, oleomargarine and other provisions, whiskey and liquors to be sold in barrels, hogsheads and other vessels and packages; to appoint weighers, gaugers and inspectors, and prescribe their duty and regulate their compensation; to pass ordinances for the regulation, inspection and reading of water meters, gas meters, electric light and power meters, and to provide penalties for the violation of the same.

SEC. 19. To provide for the inspection and regulation of all weights and measures, public and private, according to lawful standards, where same does not conflict with or is permitted by State law.

SEC. 20. To establish a free library and to adopt rules and regula-

tions for the proper management thereof, and to appropriate such part of the revenues of the city, for the management and increase of such free public library as the board of commissioners may be authorized under this charter.

SEC. 21. To compel the use throughout the city by mills, factories, manufactories, compresses and locomotives, and other engines, of the most modern and efficient devices for the consumption of smoke, and generally to make and enforce all such rules and regulations as may be necessary to prevent the escape of smoke and steam where same is deleterious or injurious to the health or comfort of the inhabitants of the City of Fort Worth.

SEC. 22. To regulate and direct the size, construction and maintenance of boilers, smoke, flues, smokestacks and all other contrivances for the escape of smoke, and to prescribe the height thereof, and to enforce such rules and regulations by fine not to exceed \$200 for each and every offense.

SEC. 23. To provide by ordinance a code of building laws for the construction of buildings and to provide for the inspection of buildings and to fix the grade line thereof; and to prevent the encroachment of show windows or other devices upon the sidewalks, and to prohibit the erection of stairways upon sidewalks and entrances or openings thereto, and to compel such stairways, show windows or other encroachments to be abated and removed therefrom; and to compel summarily the removal of platforms which extend out upon sidewalks, whether same were constructed prior or subsequent to the passage of this charter, and whether such platforms exist under claim of easement or otherwise, and make the retention of such platforms a separate offense for each day same is kept after order to remove same is passed, and provide for fine of not less than \$25 for each day such order is violated. Such fines shall be but cumulative of other remedies the city may have under the law for the abatement of such platforms.

SEC. 24. To construct and own or to acquire by purchase and own public utilities such as gas, water, sewerage, electric light works, and underground, surface and elevated street railways, subways, or underground conduit systems for electric lights, power, telephone, telegraph and wires used for the purpose of transmitting any electric service, and generally to construct or acquire and own all public utilities or agencies of like or similar character. Provided, that no purchase or construction of any public utility shall be made unless the same shall have first been submitted to a vote of the qualified taxpaying voters at an election to be held for that purpose. There shall be no change in the present water system, and no rehabilitation of the present light plant, unless the same shall have first been approved by a majority of the qualified taxpaying voters, at an election to be held for that purpose. But this proviso shall not otherwise apply to the matter of enlarging or extending any public utility after the same shall have once been constructed or acquired.

SEC. 25. To regulate the height and character of fences on private property, and the erection and maintenance of same within the city, and to prohibit the erection of "spite-fences," of the maintenance of same, which are intended to or have the effect of excluding light or air from

neighboring houses, and to provide appropriate penalty for the execution of this power.

SEC. 26. To prohibit mendicants and beggars from plying their vocation within the corporate limits of said city, and to punish any person, firm or corporation instrumental in bringing such persons who ply such vocation to the City of Fort Worth.

SEC. 27. To prohibit mendicants, beggars, persons of infirm or maimed bodies, or suffering with diseases of any kind from soliciting alms, help or assistance upon the streets or sidewalks of said city; and to prescribe penalties for the non-observance of this prohibition.

SEC. 28. To require the construction of suitable fire escapes on or in hotels, lodging houses, business houses, factories and other buildings where same, in the judgment of the board of commissioners, may be required as a measure of public safety.

SEC. 29. To purchase, lease, or otherwise acquire all lands and personal property whether situated inside or outside of the city, necessary or requisite for creating and preserving a supply of water, or extending the same for said city and to carry and transport such water to consumers and the inhabitants thereof for domestic business, manufacturing or other purposes; but no debt shall be created for any such purpose in excess of the amount which can be paid thereon out of the applicable revenues for the current year, except the same shall first have been authorized by a majority of the qualified voters participating in an election held for such purpose and this election shall not be held to ratify any purchases heretofore made without authority.

But the board of commissioners may provide by ordinance that any purchase or contract heretofore made by the present board of commissioners may be ratified or confirmed by a vote of the qualified voters of Fort Worth at an election to be held for that purpose. The board of commissioners may order said election in their discretion or upon a petition presented to said board by as many as 500 qualified voters of said City of Fort Worth. If at such election a majority of the qualified voters participating in such election shall vote in favor of ratifying or confirming said contract or purchase so submitted then said contract or purchase shall be deemed and held valid and binding and if a majority of such voters shall be against such purchase or contract, then such purchase or contract shall be deemed and held to be invalid.

SEC. 30. To provide for the sprinkling with water or oil of the business thoroughfares and residence streets of the city and for assessments against persons occupying property abutting thereon to pay for the expense of such sprinkling. Such sprinkling may be done by the city itself, or under its direction, or by contract, according as it may elect, and the board of commissioners may, if they deem it proper, provide for a general tax levy to support the expense of such sprinkling.

SEC. 31. *Ordinances, Rules and Regulations—Fines.*—The board of commissioners shall have the power to pass, amend or repeal all ordinances, rules and police regulations not contrary to the laws and 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 charter in the corporation, the city government or any department or officer thereof; to enforce the

observance of all such rules, ordinances and police regulations and to punish violations thereof by fines, penalties and costs; but no fine or penalty shall exceed two hundred dollars (\$200), and for any fine, penalty and costs imposed by the recorder in the trial of any cause or complaint before him, execution may issue to collect such fine, penalty and costs, to be levied and executed in the same manner that executions are from the district or county court. The same shall be issued by the recorder to the chief of police or any police officer, who, in levying on the property and selling same shall have like power and authority as the sheriff in executions issued from the district or county court, and the laws of the State, so far as applicable, shall apply to and be in full force and effect as to the execution issued from the corporation court in Fort Worth, and 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 workhouse or houses 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 or by law.

SEC. 32. The board of commissioners shall have the power, by majority vote of all members, to remove any appointive officer at their discretion; provided, however, that the term of office of the corporation counsel shall be for a period of two years, and such officer shall not be removed, except for such causes as would occasion the removal of a member of the board of commissioners.

SEC. 33. The board of commissioners shall have the power to prohibit boys or girls under the age of sixteen years from going and being on the public streets and in public places in the City of Fort Worth between the hours of nine o'clock p. m. and five o'clock a. m., without the consent of parent or guardian, or any person standing in the place or stead of such parent or guardian.

SEC. 34. The board of commissioners shall have the power to create and establish a board of charities to care for and provide for the indigent poor of the city. The members of such board shall be selected by the board of commissioners, and such board shall have the power to create one or more of the members of such board as special police officers and provide for their compensation as such.

SEC. 35. The board of commissioners shall have the power to prescribe the mode and number of elevators, stairways and exits in theaters, opera houses, houses of amusement and other public places to insure the safety of the public and to prescribe the kind and character of stage curtains that shall be used to avoid the spread of fire. The board of commissioners shall also have the power to require the proper ventilation of such places and their fumigation and disinfection to prevent disease and the spread of germs thereof and to take and adopt such other measures relating thereto as shall be requisite and necessary to keep said places in a clean and sanitary condition and to provide penalties for the execution of this power.

SEC. 36. The board of commissioners shall have the power to regulate and control the issuance and sale of tickets and the price thereof in theaters, opera houses, houses of amusement, and other like places, and to prescribe rules and regulations for the conduct of the public therein,

and generally, to supervise and prescribe rules and regulations for the conduct of such places and of the employes, servants and agents thereof. It shall have the power to prescribe fines and penalties for failure to observe such regulations.

SEC. 37. The board of commissioners shall have the power to prescribe that all theaters, opera houses and places of amusement shall have ample aisles as well as exits, and ample space between each row of seats to provide for the safety of the public in time of peril, fire, panic, or casualty of any kind; and shall have the power to punish the proprietors, keepers, and agents of such places for allowing or permitting any obstruction of the aisles or exits or permitting persons or patrons to stand in the aisles or exits or block the same while the public are in attendance at such places, and to provide that such offenses shall be misdemeanors and punishable as such, as this charter permits.

SEC. 38. Subject to the provisions of this charter, and when not in conflict herewith, the board of commissioners shall have the power to prescribe by ordinance the duties and obligations to the city of all officers and persons, employes and servants of the City of Fort Worth, elective or appointive.

SEC. 39. The board of commissioners shall have the power, by unanimous vote, to remit, in whole or in part, on such conditions as may be deemed proper, any fine, penalty or cost belonging to the City of Fort Worth.

SEC. 40. *Buildings and Structures—Power to Remove, When.*—Whenever in the opinion of the city engineer or the board of commissioners and building, fence, shed, awning or other structure of any kind or any part thereof is liable to fall down and endanger persons or property, said engineer or board of commissioners may order the owner or agent of same, or any owner or occupant of the premises on which such building, shed, awning, or other structure stands, or to which it is attached, to brace and support, or to take down and remove the same, or any part thereof, within such time as may be directed, and the board of commissioners may provide by ordinance for punishing any neglect, failure or refusal to comply with any such order. The board of commissioners shall in addition have the power to brace and support, or to remove any such structure at the expense of the city on account of the owner of the property or premises and assess the expense on the land on which it stood or to which it was attached, and shall by ordinance provide for such assessment, the mode and manner of giving notice, and the means of recovering such expense.

CHAPTER X.

ORDINANCES, INITIATIVE AND REFERENDUM.

SECTION 1. All ordinances, resolutions, rules and regulations of the City of Fort Worth heretofore ordained, passed or enacted, existent and in force in said city at and prior to the time this act becomes effective, and not in conflict herewith shall be and remain in full force and vigor, until altered, amended or repealed by the board of commissioners after this charter shall have taken effect. Provided, that said ordinances, resolutions, rules and regulations have become in effect by the terms of the

charter under which the same were enacted, and provided further that the same were valid and authorized by said charter.

SEC. 2. It shall not be necessary to the validity of any ordinance that it be read more than one time or considered at more than one session of the board of commissioners, but every ordinance imposing a fine, penalty or forfeiture for violation of its provisions shall, after the passage thereof, be published for five days in the official newspaper of the City of Fort Worth; and all ordinances granting or confirming a franchise or easement over, across or upon the streets, thoroughfares or public places of the City of Fort Worth shall be accepted in writing by the grantees and before taking effect be published once a week for four consecutive weeks within a period of thirty days after its passage, in the official newspaper of the City of Fort Worth. But the time for publication of any ordinance of the city may be extended beyond the period hereinbefore provided, by express provision to that effect in which event such ordinance shall not take effect until after the time therein expressly prescribed. Ordinances not requiring publication (and none shall require publication but those imposing some fine, penalty or forfeiture and granting a public easement or franchise) shall take effect from and after their passage unless otherwise therein expressly provided.

Revised or digested ordinances published in pamphlet form by authority of the board of commissioners shall not be required to be published in any newspaper, and the publication in pamphlet form of such ordinances shall be held and taken as sufficient publication, notwithstanding such ordinance may impose a fine, penalty or forfeiture or should contain a grant of easement or public franchise.

SEC. 3. The board of commissioners shall have the power and authority, of their own initiative, to submit to the qualified voters of the City of Fort Worth any question, act, resolution or ordinance, grant of public easement or franchise; and the rules and the procedure governing the submission of same shall be identical with the provisions of this charter relating to the referendum, so far as same may be applicable, where a referendum is permitted, and the board of commissioners shall be required to act upon the result of such election, and pass, adopt, ordain or enact the question upon which said voters have voted.

SEC. 4. All ordinances of the City of Fort Worth published or compiled in book or pamphlet form shall be presumed to have been by and with the authority of said city and shall be admitted in evidence in all courts, State and Federal, without further proof beyond the production of said printed book or pamphlet; and provided further, that copies of ordinances, resolutions, minutes and proceedings of the board of commissioners, or prior governing bodies of the City of Fort Worth, certified by the city secretary to be true copies of the originals, with the seal of the city affixed thereon, shall also be admitted in evidence, without further proof, in all courts, State and Federal.

SEC. 5. All ordinances of a general nature and all ordinances granting franchises passed by the board of commissioners shall lie over for thirty days after their passage, and the same shall be published once a week for four consecutive weeks within thirty days, and the same shall not take effect until after the expiration of said thirty days and until

after said publication; and, if a referendum vote shall be demanded on same, as hereinafter provided, such ordinance shall be submitted to the legal voters of the City of Fort Worth and the same shall not be effective and valid until they shall have been approved by a majority of those voting thereon. Provided, that this section shall not apply to mere matters of routine, or the exceptions specified in Section 11, Chapter 9, hereof or urgency measures necessary in the ordinary course of the city's affairs or measures necessary for the immediate preservation of the public peace, health, safety, but shall apply to all grants of franchises to any person or corporation and to all extensions of such grants of franchises beyond the time originally fixed for its termination by the ordinance granting the same.

Whenever there shall be presented to the board of commissioners a petition or petitions, signed by 500 legal voters, asking that an ordinance set forth in said petition or petitions, be submitted to a vote of the qualified voters of the said city, it shall be the duty of the board of commissioners to submit such proposed ordinance to the vote of the qualified electors of said city at the next election. Such submission may be at a general or special election called for the purpose within ninety days of the filing of the petition for referendum. The signatures to said petition need not all be appended to one paper, but such signer shall add to his signature his place of residence, giving street and number. One of the signers to such petition shall make oath before an officer competent to administer oaths that the statements therein are true, and that each signature to said petition is a genuine signature of the person whose name purports to be subscribed thereunto. Provided, that any petition intended to require a submission to referendum of an ordinance enacted by the board of commissioners shall be presented to said board within thirty days after the enactment of such ordinance. Provided, that the board of commissioners shall have the right to submit at the same election such amendments and changes to such proposed ordinance as they may think should be made; and provided further, that the board of commissioners shall have the right to submit any franchise ordinance to a vote of the people of its own motion and without the petition mentioned herein, and provided further, that if any franchise ordinance is submitted to a vote of the people, and is rejected, that no other or similar ordinance, granting the same or a similar franchise in favor of the persons, firm or corporation whose proposition was rejected can be submitted within less than two years after the election rejecting the same. If the board of commissioners should desire to any wise amend or alter said proposed ordinance and such amendment shall not be agreed to by the persons proposing such ordinance, then there shall be two ordinances prepared, one containing the changes proposed by the board of commissioners, and one without them. The ballots used in such election shall contain the words, "For the Ordinance submitted by....." (stating the nature of the ordinance) and "Against the Ordinance submitted by....." (stating the names of the persons, or corporations submitting the same and the nature of the ordinance), and also "For the Ordinance submitted by the board of commissioners" (stating the nature of such ordinance) and "Against the ordinance sub-

mitted by the board of commissioners" (stating the nature of such ordinance). If a majority of the votes cast shall be in favor of the adoption of both of said ordinances the said ordinance as proposed shall be deemed to have been amended by the amendments proposed by the board of commissioners. If a majority shall be in favor of either one of said ordinances, such ordinance having a majority shall be deemed to have been passed. In the event of the adoption of either of such ordinances, the board of commissioners shall, within a reasonable time, not exceeding fifty days, proclaim such facts, and, upon the publication of such proclamation, such ordinance, thus adopted, shall have the same and equal force and effect as an ordinance adopted and ordained by the board of commissioners and approved by the mayor, and same shall not be repealed by the board of commissioners, but the board of commissioners may submit a proposition for the repeal of such ordinance, or for amendments thereto, for a vote at the next general election, and should such proposition so submitted receive a majority of the votes cast at such election such ordinance shall be repealed and amended accordingly. The board of commissioners shall make necessary provisions by ordinance for submitting ordinances and amendment, or amendments thereto, to the qualified voters as herein provided, and to canvass the vote in the same manner as herein provided for canvassing of other election returns.

SEC. 6. It shall be the duty of the board of commissioners, as soon as practicable after the adoption of this charter and each year thereafter, to provide for the revision of the ordinances of the city and to have same compiled and published in pamphlet form.

CHAPTER XI.

MISCELLANEOUS.

SECTION 1. *Officers—Penalty for Defalcation.*—Any officer trusted with the collection or custody of funds belonging to the city who shall be in default to the city, besides being liable to criminal prosecution and civil action for debt, shall thereafter be incapable of holding any office under the said city until the amount of his defalcation with 8 per cent interest per annum has been fully paid, and in case the defalcation has been paid by the bondsmen of such officer, then, until he shall have fully paid and settled with his bondsmen and shall have filed his affidavit with the city secretary stating such payment and settlement.

SEC. 2. *Officers—Funds, Books, etc., to Be Delivered to Successors—Penalty for Failure.*—Whenever any person shall be removed from any office, or his term expire or he shall resign, or for any reason he shall cease to act in his official capacity, he shall deliver over to his successor all money, books, papers and records, accounts or memoranda concerning any property or transaction of the city which came into his possession or were made by him by reason of his holding said office; in case of his failure or refusal to do so upon demand from his successors, or in case of removal of the same by him from his office, he shall be deemed guilty of a misdemeanor and be fined in any sum not exceeding \$200, after complaint and conviction and trial before the corporation court;

and each day after such refusal or removal shall constitute a separate offense under this provision.

SEC. 3. No bond, undertaking or security shall ever be exacted or required of the City of Fort Worth in any suit or in the prosecution of any appeal, writ of error or certiorari in any of the courts of the State of Texas, whether such city be party plaintiff or party defendant, or whether the cause be at law or in equity. But all such actions, suits and proceedings to which said city is a party shall be conducted in the same manner as if the bond, undertaking or security otherwise required had been given.

SEC. 4. The City of Fort Worth shall not be held to liability for and on account of any damages or injury of any kind whatsoever to persons or property unless the person claiming same, his agent or attorney shall within thirty days after such injury or damage has been sustained serve notice in writing upon the board of commissioners giving the day and date, the time and place where such injury or damage occurred, and the nature and character of the injury.

SEC. 5. All suits, taxes, penalties, forfeitures and other rights, claims and demands which have accrued under the laws heretofore in force governing said city shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall be in no wise affected by the passage, adoption and taking effect of this act and charter.

SEC. 6. This act shall be taken and held to be a public law, and all courts and tribunals shall take judicial cognizance and knowledge of the contents and provisions thereof, and it shall not be necessary to plead or prove the same.

SEC. 7. The officers of the City of Fort Worth elected by popular vote under the provisions of the charter granted the City of Fort Worth by act of the Thirtieth Legislature shall continue to serve and hold their respective offices until their respective terms of office shall have expired and until their successors have been duly elected and qualified.

CHAPTER XII.

PAVEMENT OF STREETS AND THOROUGHFARES.

SECTION 1. The term "improvement" when used in this charter shall include the improvement of any street, avenue, alley, highway, public place or square or portion thereof in the city by filling, grading, raising, paving, repairing or otherwise improving the same in a permanent manner; or the construction or reconstruction of sidewalks, curbs and gutters, and other necessary appurtenances including drains and culverts, and also the laying out, opening, narrowing, straightening, or otherwise establishing, defining or locating streets, alleys, avenues, public places, squares or sidewalks. Said term shall also include any other permanent street improvement for a public benefit.

SEC. 2. The term "highway," when used herein, shall include any street, alley, highway, avenue or public place or square, bridges, viaducts, tunnels and causeways in the city dedicated or devoted to public use.

SEC. 3. The board of commissioners shall have power to order the

improvement of any highway or highways, or part thereof, in the city and to prescribe the nature and extent of the improvements and shall have power to cause any of such improvements to be made separately or together.

SEC. 4. Subject to the terms hereof, the cost of such improvements may be paid wholly by the city or partly by the city and partly by owners of property abutting on such improvements and benefited thereby. But the whole cost of constructing any sidewalk or curb shall be paid by the owners of such abutting property, and the owner of any railroad or street railroad having any track or tracks, switch or turnout in a highway ordered to be improved shall pay the whole cost of such improvement between the rails and tracks of said railroad, or switch or turnout, and one and one-half feet on the outside thereof. The portion of the cost of such improvement payable by the owner of such railroad or street railroad, and all costs of collection, shall be a special tax against and secured by lien upon the roadbed, ties, rails, fixtures, rights and franchises of such railroad or street railroad and the owner thereof. After the execution of a contract by the city for any such improvement, the board of commissioners shall by ordinance levy a special assessment upon the roadbed, ties, rails, fixtures, rights and franchises of such railroads or street railroads for the portions of said cost payable by the owners thereof, which assessment shall be a lien on such property from the time of levy, prior and superior to all encumbrances thereon except lawful taxes. Such assessment shall become due and delinquent as shall be specified by said ordinance, and if not paid as therein provided, shall be enforced as in the case of the collection of taxes under this charter by the advertisement and sale of the property rights and franchises levied on. The officer making said sale shall execute to the purchaser a deed similar to the one executed when property is sold for ad valorem taxes, and the recital of such deed that all legal prerequisites to the validity of said sale have been complied with shall be prima facie evidence of the truth thereof, and so accepted without further proof. Such tax and lien may also be enforced by suit in any court having jurisdiction.

SEC. 5. The board of commissioners shall have power by resolution to order the making of such public improvements, or any of them, by majority vote, without notice, and the passage of such resolution shall be conclusive of the public necessity and benefits thereof. The resolution shall generally set out the nature and extent of the improvements to be made, the section or sections of the highway or highways to be improved, and the material or materials to be used, and the method or methods of paying the cost. The resolution may specify different or alternative materials and different or alternative methods for the construction of the improvement, and the payment of its cost. Upon passage of such resolution, the city engineer shall forthwith prepare specifications, subject to approval of the board of commissioners, for the improvement, embracing the different or alternative materials or methods which may be prescribed by said resolution, for the construction of said improvement or payment of its costs; and the character of bond, or bonds, if any, required of the successful bidder. Such specifications shall be submitted to the board of commissioners and after being cor-

rected, in event correction is necessary and same is satisfactory to said board, same shall be approved by the said board. Said board shall have power to require of the contractor to whom the work may be let a bond or bonds for the faithful performance of the contract, and for the repair or reconstruction, in whole or in part, of the improvement within — year after its completion, if necessitated within that time by any defective material, plans, methods, or processes, employed in the construction of such improvement, and containing such other provisions as the board of commissioners may require. Such bond or bonds shall be executed by the contractor with a good and solvent corporate surety thereon, authorized to do business in Texas, and acceptable to the board of commissioners, or with two good, solvent and acceptable personal sureties, if said board shall so elect.

When the specifications have been adopted by said board the city secretary or other officer designated by the board shall advertise for sealed bids for the construction of said improvements in accordance with the specifications. Said advertisement shall be published one or more times in a newspaper of general circulation in the city and shall state the time prescribed by said board for receiving bids which shall be not less than ten days from first publication of said advertisement. Bids shall be filed with the board of commissioners and opened and read in open meeting thereof. Said board may accept such bid or bids as it may deem most beneficial to the city, and the owners of the property abutting the proposed improvement, or may reject any and all bids and may accept different bids for parts of the improvement and accept such bid or bids on different plans or methods, or for different materials, as it may deem best. No bid shall be amended, revised or changed after being filed.

SEC. 6. The bids having been accepted by the board of commissioners, the city shall enter into contract with the contractor to whom the work is let, for its performance. Such contract shall be signed by the mayor and attested by the corporate seal affixed by the city secretary or other officer designated by said board, and shall be approved as to form by said board.

SEC. 7. Exclusive of the cost of such improvement to be paid by railroads and street railroads as herein provided, the city, acting by said board of commissioners, shall have the power to assess the whole cost of constructing and reconstructing sidewalks and curbs and other improvements against the owners of property abutting on the highway or highways, or sections thereof, to be improved, who are specially benefited thereby. But no part of such cost shall be assessed against any owner or his property in excess of the special benefits thereto in enhanced value thereof arising from the improvement nor until after the notice and hearing hereinafter provided for. The proportion of the cost assessed against any property or its owner shall be in such proportion as the frontage of property of each owner is to the whole frontage of property to be improved, and shall be in accordance with the front foot rule or plan, unless in the opinion of the board of commissioners such rule would operate unjustly in particular cases, in which event such board shall adopt such rule of apportionment as will effect substantial equality and justice between property owners, having in view benefits received and burdens imposed on such owner.

When the payment of any part of the cost of improvement assessed against property owners is deferred the board of commissioners shall have power to provide that such payments shall bear interest at not to exceed eight per cent per annum, and shall have power to include in any assessment against such owners, or their property, cost of collection and reasonable attorneys' fees, when such costs and fees are incurred.

SEC. 8. When the contract or contracts for improvements have been executed and approved, if any part of the costs is to be assessed against property or its owner or owners, the city engineer shall at once prepare a statement containing the names of persons, firms or corporations or estates owning property abutting on the highway, or section thereof, to be improved, and the number of front feet owned by each with such description by lot or block number or otherwise, sufficiently to identify the same, and also containing an estimate of the total cost of the proposed improvement, the cost per front foot of abutting property, and the total cost proposed to be assessed against such owner and his property. Said statement shall be examined by the board of commissioners and any errors therein corrected, but no error or omission shall invalidate any assessment made thereunder. When said statement has been approved by said board, it shall then determine and declare the necessity of assessing any part of the cost of proposed improvements against such owners and their property by resolution directing notice to be given to such owners and fixing the time and place of a hearing to be given them. Such notice shall be signed by the city secretary or other officer designated by the board, and shall state the time and place of hearing, the general nature of improvement proposed, the highway or section thereof to be improved and the total amount and amount per foot proposed to be assessed against each owner and his property.

Such notice shall be served by publishing same for five successive days in some newspaper published in said city and by mailing a copy thereof by registered letter deposited in the postoffice of said city, directed to the address of each owner, if known, but if not known, then to the address of his agent or attorney, if known. Said letters shall be posted at least ten days before the day of said hearing, but service of said notice by advertisement shall be conclusive and binding, whether service by posting shall be had or not, the latter being merely cumulative. On the day fixed for said hearing or any time thereafter before any assessment is made, any person, firm, corporation or estate owning or having any interest in any property proposed to be assessed for any part of the cost of such improvement, or against whom any person charge is proposed shall have the right to appear before said board of commissioners in person or by attorney or agent, and shall be entitled to a full and fair hearing as to all matters affecting said assessment or personal liability, or the benefits of said improvement, if any, to property proposed to be assessed and any objection to such assessment or to the making of such improvement, or any invalidity or irregularity in the proceedings with reference thereto, or any other objection. All objections shall be filed in writing, and thereafter the board of commissioners shall hear and determine the same, and opportunity shall be given to persons filing objections to subpoena witnesses

and produce testimony. Said hearing may be adjourned from time to time till completed without further notice. The said board shall have power to inquire into and determine all facts necessary to the adjudication of objections and the ascertainment of special benefits to such owners by means of such improvements, and shall render such judgment in each case as shall be just and proper. Objections to the regularity of any proceedings or the validity of any assessment or charge of personal liability against any person or property, shall be waived unless presented at the time and in the manner herein specified.

SEC. 9. When said hearing has been concluded the board of commissioners shall, by ordinance, which shall take effect from its passage, without publication or other prerequisites, assess against the several owners of property, and their property abutting on the highway or section thereof ordered to be improved, such part of the cost of improvement as said board may have adjudged against them. Said ordinance shall fix a lien upon said property and declare the respective owners thereof to be personally liable for the amounts assessed against them, and shall state the time and terms of payment of such amounts, and may prescribe that said amounts may be paid in not to exceed three installments (except as hereinafter provided) payable in not more than three annual payments next after the completion of such improvement. That said ordinance shall prescribe the rate of interest upon deferred payments, not exceeding eight per cent (8 per cent) per annum, and shall provide that failure to pay any installment when due shall mature all of said deferred payments. But any owner shall have the right to discharge any installment before maturity by the payment of same with accrued interest to date of payment. The lien and charge of personal liability above referred to shall secure and include all costs and collection and reasonable attorneys' fees when incurred. Upon the payment in full of any assessment against any such property the city shall, acting by its mayor, at once execute a release which shall discharge the lien thereof.

More than one parcel or lot of land, the property of one owner, or owned jointly by two or more owners, may be assessed together without invalidating said assessment or the lien thereof, or any claim of personal liability. The cost of such improvement assessed against any property or its owner, together with the interest and costs of collection, and reasonable attorneys' fees, when incurred shall constitute a personal claim against such property owner, and be secured by lien on such property superior to all other liens, claims or titles, except lawful taxes and such liability and lien may be enforced in any court having jurisdiction, or by sale of such property by the officer, and in any manner as far as applicable, as sales are authorized to be made for non-payment of city taxes, but it shall not be necessary to sell at the same time as for delinquent taxes. The recital in any deed made in pursuance to such sales that all legal prerequisites to the validity thereof have been complied with shall be prima facie evidence thereof and without further proof shall be presumed to be true.

The board of commissioners may by resolution make such rules and regulations as may be deemed proper to enforce the collection of such assessments. Any error or omission in any proceeding herein provided for shall be corrected by the said board and shall not invalidate the

said proceedings. The passage of such ordinance making said assessment shall be notice to all persons of the lien created thereby.

SEC. 10. Any person interested in any property assessed for such improvements, or against whom any charge of personal liability may have been fixed, may within ten days from the conclusion of the hearing above referred to, but not thereafter, institute suit in any court having jurisdiction for the purpose on any ground the validity of said assessment or personal liability, and the validity of any proceeding had with reference thereto; but if said action be not brought within said period of ten days, then said persons, their heirs, successors, assigns, or personal representatives, shall be forever barred from asserting any defect in such proceedings, or any invalidity in said assessment or charge of personal liability, in any action in which the same may thereafter be brought into question.

The said city and the contractor to whom the work of improvement may have been let shall be made party defendant to any suit brought under this section. When any suit has been brought under the terms of this section, the performance of any work may be suspended at the election of the city or the contractor until said suit is finally determined, provided, that any suit of error or appeal from the judgment of the court in which said suit was brought shall be perfected within thirty days from the adjournment of the term of the court of original jurisdiction at which final judgment shall thereafter be taken or sued out, but any such suit shall be entitled to precedence in all courts in this State, and any party may move in any court for an early hearing, and such cases shall, in all courts, be entitled to be advanced on the docket and speedily determined.

SEC. 11. When the board of commissioners have reason to believe that the owner of any property may successfully claim the same as exempt from assessment, said board may order that the improvement shall not be made in front of said property, unless the owner shall first satisfactorily secure the payment of the amount which would be assessed against the same, were it not exempt. When any part of the cost of improvement is to be paid by such property owners or assessed against their property and the contractor is required to look to such property or its owners for the proportion of the cost assessed against them, and the city is relieved from the payment of such cost, the contractor may or may not be required to construct improvements in front of property which is exempt from the enforcement of a lien for such cost. The omission of improvements in front of such property on a highway or section thereof ordered to be improved, shall not invalidate or affect any assessment against any other property located on such highway or section, or charge of personal liability against the owner thereof.

SEC. 12. The board of commissioners shall have power to order improvements made on only one side of a highway or section thereof, and may assess part of the cost against property and its owners abutting on said improvement as herein provided.

SEC. 13. If any error shall occur in any proceeding provided for by this article, it shall be the duty of the board of commissioners to correct the same, and whenever it shall be finally determined in any suit

that any assessment or charge of liability against any property or its owner is invalid or unenforceable for any reason, then it shall be the duty of said board at once to reassess against said property and its owner such proportion of the cost of improvement as may be proper, lawful and just, and said board shall have power and it shall be its duty by ordinance or resolution to adopt such rules and regulations for a hearing to said owners before the reassessment as may be necessary legally to bind such owners and property by reassessment, and shall have power to adopt all other rules and regulations requisite to such reassessment, or fixing a charge of personal liability against such owners.

SEC. 14. Whenever the owners of sixty per cent (60 per cent) of the front feet of property abutting on any highway, or part or section thereof, in the city shall, in writing, petition the board of commissioners for the improvement thereof, and shall, in the petition, agree to pay the cost of such improvement in front of their respective properties, exclusive of any costs payable under the terms of this charter by owners of railroads or street railroads, and shall generally designate the nature and extent of the proposed improvement, said board must order the making of said improvement; provided, only, that the board shall be satisfied from the said petition or other evidence before it that the payment of at least one-half of the total cost of improvement, exclusive of cost to be paid by owners of railroads and street railroads can be secured by assessment against abutting property and its owner, or in some other manner. When such petition has been filed and approved, the procedure of the said board, the city and its officers with respect to such improvement and fixing, and assessing, apportioning and collecting the cost thereof, shall in all things be in compliance with the preceding and succeeding sections of this chapter, and the provisions thereof which shall apply in all respects to proceedings under this section, except as in this section otherwise provided. Where improvements are made under the terms of this section, the work shall not begin until at least sixty per cent of the estimated cost thereof, exclusive of the amount to be paid by railroads or street railroads, has been assessed against property abutting on the proposed improvement or against the owners thereof. When improvements are made under the terms of this section the proportion of the cost thereof assessed against the owners of property and their property shall be payable by them to the city or its assigns in five equal installments, the first of which shall be due thirty days after the completion and acceptance of the improvement by the city and the remainder in four annual installments thereafter. Deferred payments shall bear interest at not to exceed eight per cent (8 per cent) per annum, as may be fixed by said board, and default in payment of any installment of principal or interest when due shall, at the option of said city or its assigns, mature all unpaid installments, which shall in such event, without notice, become collectible.

During the progress of and when improvements are completed under this section, the city may pay to the contractor making same the whole agreed cost thereof, except amounts payable by owners of railroads and street railroads under the terms of this chapter. But upon such payment by the city the contractor shall endorse and assign to the city,

without recourse, all notes, contracts, liens, or other securities or obligations given to said contractor by owners of abutting property to secure the payment of the cost of such improvements. The owners of property against whom and whose property, however, two-thirds of said cost shall have been assessed, shall pay the same to the city or its assigns in installments as above set forth. But such owner shall have the privilege of discharging said installments before maturity by paying same with accrued interest to date of payment. Payments so made to the city or the proceeds of said assessments, if sold by the city, shall become part of the permanent street improvement fund, and be sacredly preserved therein, and shall not be used in any manner except to make other permanent street improvements, where the cost or part thereof is assessed against abutting property or its owners.

SEC. 15. The board of commissioners may also authorize the issuance by the city of assignable certificates against abutting property owners, or against persons, firms, corporations or estates using or occupying highways. Such certificates shall be payable to the contractor, or to the city, should the city pay the whole cost of improvements, as set out in Section 14, and the board shall fix the form and terms of such certificates. The recital in such certificates that proceedings with reference to such improvements have been made in compliance with the terms thereof, and that all prerequisites to the fixing of the lien and charge of personal liability evidenced by such certificates have been performed, shall be prima facie evidence of the facts so recited and no other proof thereof shall be required, but in all courts the said proceedings and prerequisites shall, without further proof, be presumed to have been had and performed. Such certificates shall be executed by the mayor and attested by the city secretary, or such other officer as may be designated by said board, with the corporate seal. Such certificate when payable to the city may be sold by it as may be provided by the board of commissioners, and the proceeds of said sale shall become part of the permanent street improvement fund.

SEC. 16. The provisions of this charter shall be additional and cumulative to all existing provisions of the charter of the City of Fort Worth with reference to improvements, but should any conflict or contradiction exist in any matter between any of the provisions of this chapter and any of the provisions of said charter contained in other chapters or sections thereof, the provisions of this chapter as to the subjects and subject matter embraced therein shall nevertheless prevail.

SEC. 17. The City of Fort Worth having heretofore entered into contracts for the pavement of streets or begun proceedings looking thereto, all provisions of the existing charter and ordinances of the City of Fort Worth, providing for the construction of such improvements or the assessment of the cost thereof against owners of abutting property and their property, or the enforcement of such assessments shall notwithstanding the enactment thereof, remain in full force for the purpose of effecting the construction of the said improvements and assessing and collecting the cost thereof, and all contracts entered into by the City of Fort Worth heretofore for the same, are hereby validated.

CHAPTER XIII.

PUBLIC SCHOOLS.

SEC. 1. The City of Fort Worth is and shall continue to be and remain an independent school district, and as such shall have exclusive control of the public free schools within the territorial limits of said city, and this shall extend to all of the territory described in Section 2 of this act, and so much of the independent school district of Rosen Heights as is embraced in said territory hereinbefore described in said Section 2, is hereby merged into said Independent School District of the City of Fort Worth and shall become and hereafter be a portion of the same and shall receive all the benefits of the same and shall no longer be a portion of said Rosen Heights Independent School District. The conduct of said schools shall be vested in a board of seven trustees, to be elected at large in said city by the qualified voters of same, and said board shall collectively be known and designated as the "Board of Trustees of the Independent School District of Fort Worth." Said trustees in order to be eligible to office, shall be freeholders in and qualified voters of said city, having their domicile therein, and in addition thereto, shall be persons of good moral character and possessed of at least a grammar school education. The board of trustees shall make suitable provision for the continued maintenance of the high school heretofore in the municipality of North Fort Worth, and now in the territory of the city of Fort Worth.

SEC. 2. On the first Saturday in May, 1909, there shall be held in the City of Fort Worth an election for three members of the board of trustees of the Independent School District of the City of Fort Worth, to succeed the three members of the present board whose term of office expires on that date.

SEC. 3. The members of the present board of trustees of the Independent School District of the City of Fort Worth, elected under the provisions of the prior charter, shall be and they are hereby continued in office until their respective terms of office prescribed by the former charter shall have expired, and their successors are elected and qualified; and on the first Saturday in May, 1909, there shall be held in the City of Fort Worth an election for three trustees whose terms of office under the prior charter shall have expired and subsequently, on the first Saturday in May, 1910, there shall be held an election for the purpose of selecting four trustees whose terms of office shall have expired, and thereafter on the first Saturday in May of each year three and four trustees alternately so as to constitute the entire board of seven members hereinbefore specified. Such trustees shall hold office for the term of two years and until their successors have been elected and qualified.

SEC. 4. Each trustee shall be designated by place in numerical sequence, so as to be designated as place No. 1, place No. 2, place No. 3, place No. 4, place No. 5, place No. 6, place No. 7, respectively; and the president of the board shall, as soon as practicable after this charter takes effect, assign the several members of such board to the said places, respectively, and each member shall hold the place so assigned to him until the end of the term for which he was elected, or until his successor

shall have qualified. Each of the seven places shall be deemed a separate and distinct office and in all future elections and primaries, each place for which a trustee is to be elected shall be separately designated on the ballot and each person offering for school trustee shall designate the number of the place to which he desires to be elected, both in the primary and at the general election, and his name shall be printed accordingly beneath the number of the place so selected, and each qualified voter at the primary and at the general election shall be permitted to vote for only one candidate for such place.

SEC. 5. All elections held for the purpose of electing school trustees shall be ordered by the board of trustees, and such order shall be promulgated and notice of the same be published in some newspaper in the City of Fort Worth for at least ten days previous to such election. The board of trustees at the time of ordering such election shall appoint persons to hold such election and shall designate the place where the polls shall be opened. All such elections shall be held in accordance with the State law governing elections, except as same may be changed by the provisions of this chapter, and returns of such elections shall be made to the board of trustees in the same manner as election returns are made under such State law. The board of trustees shall canvass the returns, declare the result of such election and shall issue certificates of election to the persons shown by the returns to be elected.

SEC. 6. The board of trustees of the Independent School District of the City of Fort Worth permitted and authorized by the provisions of this charter shall have and exercise all the rights, powers, and duties conferred upon them by the terms of this act, and the laws of the State of Texas relating to independent school districts, save that where conflict arises, the provisions of this chapter shall be construed to cover it. A majority in number of the board of trustees shall constitute a quorum to do business and said board shall choose from their members a president, vice president and other necessary officers and committees and shall prescribe the time for holding their sessions, shall have power to select and employ such aids and assistance as may be requisite and necessary for themselves and for the schools of the City of Fort Worth; provided, however, that the members of the board of trustees shall serve without compensation.

SEC. 7. The treasurer of the City of Fort Worth shall be the treasurer of the board of trustees of the Independent School District of the City of Fort Worth and shall be required to give bond in such an amount as the board of trustees may require, which bond shall be made payable to the president of the board of trustees of the Independent School District of the City of Fort Worth and his successors in office, and be approved by said board of trustees, which bond may be increased or diminished at the discretion of the said board of trustees, conditioned for the faithful performance of his duties, and the payments of the funds received by him upon the drafts of the president drawn upon order duly entered of the board of trustees, and said treasurer shall receive no compensation for his services as treasurer of the board of trustees of the Independent School District of the City of Fort Worth.

SEC. 8. The assessor and collector of the taxes of the City of Fort

Worth shall be the assessor and collector of taxes of the board of trustees of the Independent School District of the City of Fort Worth, and said assessor and collection shall assess and collect the taxes for school purposes, and the levy for taxes for school purposes in the City of Fort Worth shall be based upon the same assessment of property upon which the levy for other city purposes is based, and said taxes for school purposes shall be assessed and collected as other city taxes are assessed and collected, and the assessor and collector shall receive for assessing and collecting school taxes such per cent or proportion from said collections as allowed him by the board of commissioners on the amount of collections of other city taxes.

SEC. 9. The assessor and collector shall give bond in such an amount as the board of trustees of the Independent School District of the City of Fort Worth may require, payable to the president of the board of trustees of the Independent School District of the City of Fort Worth and his successors in office, to be approved by said board of trustees and conditioned for the faithful discharge of his duties and that he will pay over to the treasurer of said board of trustees all the money coming into his hands by virtue of his office as such assessor and collector for the school fund, and the amount of said bond may be increased or diminished at the discretion of said board of trustees.

SEC. 10. Before any trustee enters upon the duties of his office he shall swear that he will faithfully and impartially discharge the duties of such office and his affidavit to that effect shall be filed with the president of the board of trustees of the Independent School District of the City of Fort Worth.

SEC. 11. The board of trustees of the Independent School District of the City of Fort Worth shall choose one of their number to be vice president, who shall during the absence, sickness, inability or unwillingness of the president to serve, have all the power and rights of the president, and discharge all the duties devolving upon him, and the board of trustees shall have the power and it shall be their duty to fill all vacancies occurring on the board of trustees for the unexpired time only.

SEC. 12. The board of trustees of the Independent School District of the City of Fort Worth shall have full power to protect the title possession and use of all property within the limits of the City of Fort Worth and may bring and maintain suit or suits at law or in equity in any court of competent jurisdiction, when necessary to recover the title or possession of any such property that may be adversely held, or to prevent any trespass upon or injury to such property; and the power and authority of such board of trustees to bring and maintain any suit in relation to the recovery of such property or of the use and possession thereof shall never be questioned.

SEC. 13. The pro rata part of the available school fund of the State, appropriated and set apart to the City of Fort Worth shall be by the proper officer or department of State paid over directly to the treasurer of the board of trustees of the Independent School District of the City of Fort Worth, who shall execute proper receipts therefor, and all moneys and funds arising from the assessment and collection of any

general or special tax in Fort Worth for public free schools shall be, by the assessor and collector turned over directly to the treasurer of the board of trustees of the Independent School District of the City of Fort Worth, who shall execute his receipts therefor, and the board of commissioners of the City of Fort Worth shall have no power over said funds.

SEC. 14. The board of commissioners of the City of Fort Worth shall have no discretion in fixing the rate at which taxes shall be assessed and levied each year for the benefit of public free schools, provided such rate does not exceed one-half of 1 per cent of the value of the property subject to taxation, but shall assess and levy the rate fixed annually by the board of trustees of the Independent School District of the City of Fort Worth up to and including the rate of one-half of 1 per cent, as aforesaid, and it shall become the duty of the board of commissioners upon the requisition of the board of trustees to annually levy and collect said taxes as other taxes are levied and collected, and said tax when collected shall be placed at the disposal of said board of trustees by paying over monthly to the treasurer of said board of trustees the amount collected for the support of the public free schools of Fort Worth, to be used for the maintenance, support and use thereof.

SEC. 15. It shall be the duty of the board of trustees of the Independent School District of the City of Fort Worth to determine what amount of taxes, not exceeding one-half of 1 per cent, shall be necessary for support, maintenance and use of the public free schools of the City of Fort Worth for each current year, and the repair, erection and purchase of buildings, and on or before the date upon which the board of commissioners is required by this charter to levy general taxes, said board of trustees shall certify to the said board of commissioners the rate of taxes to be levied for the school purposes and it shall be the duty of said board of commissioners to levy said taxes.

SEC. 16. The board of trustees of the Independent School District of the City of Fort Worth shall be vested with the power, authority and discretion to make, adopt, promulgate and enforce such rules, regulations and by-laws for the government and conduct of the schools as they may deem necessary and proper, and in addition thereto they shall be authorized and it shall be their duty to make, adopt, provide and enforce such rules and regulations as may be necessary and proper to safeguard the health of the pupils and teachers in such schools, and to that end and for that purpose shall, whenever it may become reasonably necessary or proper in the opinion of the board of trustees, require the vaccination of pupils and teachers, quarantine and segregate pupils or teachers who shall become afflicted with infectious or contagious disorders and generally to make, adopt, and apply all and every reasonable rule and regulation, and enforce the same, that in the judgment of said board of trustees may be required by the conditions which exist at the time. Said board of trustees shall have the power to control, manage and govern said schools in all things and matters and order the payment of school funds for school purposes and shall have the power to elect a superintendent of the public schools of said city, and to select

all teachers therefor and to fix the salaries thereof. Said board of trustees shall have the power to contract for the erection of school buildings and for adding to and repairing the same and to pay for the cost thereof out of the school funds under their control. Provided, that the board of trustees shall not make any contract for the expenditure of money for any one year in excess of the revenue or income from taxes for said year, and the sale of bonds for school purposes as provided for in this act.

Sec. 17. The board of trustees shall have the power to remove at any time and displace from position the superintendent or any teacher or principal of the school for insubordination, incompetency or improper conduct, of which such matters and of the causes thereof, the said board of trustees shall be the exclusive judge, and the persons so removed or displaced shall not have or hold any claim on the said board of trustees or upon the school funds for services rendered beyond the date of such removal or displacement. Provided, however, that no removal or displacement shall occur except by a majority of the board of trustees.

Sec. 18. No member of the board of trustees of the Independent School District of the City of Fort Worth nor superintendent in such public schools, nor teacher in the same shall, during the term of their office as trustee or superintendent, during the term of their employment as teacher, act as agent or attorney for any text-book publishing company selling books in this State, or for any individual, firm or corporation engaged in the sale of school furniture, fixtures or school supplies of any character whatsoever within this State. Nor shall any firm interested in the publication of text-books or in the manufacture of furniture, fixtures or supplies of any character whatsoever to be used in the public schools of this State be eligible to school trustee, superintendent of schools or teacher in the same while acting in the capacity of agent or attorney for the text-book publishers or dealers, manufacturers of school furniture, fixtures, or supplies of any kind, or dealer in the same. If after the election as trustee, superintendent or employment as teacher, any person filling such position accepts the agency or attorneyship of any text-book publishing company or manufacturers of school furniture, fixtures or supplies of any character, the acceptance of any such agency or attorneyship shall work a forfeiture of the office or place in the public schools held at the time of the acceptance of such agency or attorneyship.

Sec. 19. There may be issued by the board of commissioners of the City of Fort Worth bonds of such city in the aggregate not exceeding four hundred thousand dollars (\$400,000), during any period of four years, from and after the passage of this charter, for the purpose of increasing and improving the school facilities in said city, and for the purchase of lands therefor, the construction of buildings thereon, and the repair, reconstruction and renovation thereof, and the interest and sinking fund on all bonds which have been or are hereafter issued for school purposes shall be paid and provided out of the tax levied for school purposes as herein provided; such bonds, however, shall not be issued by said board of commissioners except upon request therefor by the board of

trustees of the Independent School District of the City of Fort Worth, but when such request shall have been made, then and thereupon it shall be the duty of said board of commissioners to provide for the issuance of same in such amounts and during such period, within the meaning of this section, not exceeding the total amount herein provided for, as may be required by said board of trustees of the Independent School District of the City of Fort Worth; provided, however, that before said bonds shall have been issued the question of such issuance shall be first submitted to the qualified voters of said independent school district, who are property taxpayers therein, and if a majority of votes polled at such election shall be favorably to the issue of such bonds, then and thereafter the bonds shall be accordingly issued, but should a majority of the votes cast at such election be against the property, then the authority to issue such bonds shall be denied. The manner of holding said election and all matters relating thereto, shall be the same as hereinbefore provided for in other chapters of this act relating to and governing the issuance of other bonds of the City of Fort Worth. The proceeds of the sale of said bonds shall be deposited with the treasurer of the board of trustees of the Independent School District of the City of Fort Worth, to be used by said last named board for the purposes for which said bonds were issued and allowed. All other provisions of this act relating to the issuance of bonds of the City of Fort Worth shall govern and apply as to the restrictions surrounding the issuance and sale of the bonds contemplated in this section.

CHAPTER XIV.

SECTION 1. It is provided that immediately upon the taking effect of this charter and as soon thereafter as practicable it shall be mandatory upon the board of commissioners of the City of Fort Worth to provide for an issue of one hundred thousand dollars (\$100,000) of bonds, of the corporate government of said city, and that during the year 1910 and as soon as practicable after the beginning of said year, it shall be mandatory upon the said board of commissioners to provide for an additional issue of one hundred thousand dollars (\$100,000) of bonds of the corporate government of said city, and that the proceeds of both issues of the bonds shall be devoted exclusively to the creation and construction of an adequate sewer system, the extension of waterworks, the erection of school buildings and the purchase of all necessary lands therefor, in that part of the said City of Fort Worth which is described in Section 2 of this act. And which has heretofore been a part of the municipality of the City of North Fort Worth. It is further provided that no part of the money derived from the sale of said bonds shall be expended or applied to any other territory than that hereinabove specifically described, and that no part of the money derived from the sale of the issue of the \$70,000 of bonds already issued by the municipality of North Fort Worth shall be extended in any other territory than that last above described in Section 1, Chapter 14. It is further provided that as to the bond issue mentioned in this section, it shall not be required to submit same to the qualified voters of the city, but the authority for the issuance thereof is hereby vested exclusively in the board of commissioners of the

City of Fort Worth, and any other provisions to the contrary in this charter shall yield to the provisions of this particular section. The office of special commissioner is hereby created and such special commissioner shall receive a salary equal to the amount now paid to a member of the board of commissioners of the City of Fort Worth, and the present mayor of the municipality of North Fort Worth is hereby designated as such special commissioner, and such special commissioner shall oversee and superintend the construction of all such work and he shall also be ex-officio a member of the board of commissioners of the City of Fort Worth, and shall hold such office until the regular election for commissioner of the City of Fort Worth, to be held in said city in April, 1911, at which time there shall be elected from the city at large five commissioners, who shall exercise the powers hereinbefore vested in the board of commissioners of the City of Fort Worth.

SEC. 2. There is hereby also created the office of an assistant city attorney, who shall represent the City of Fort Worth in the prosecution of cases pending in said recorder's court of said City of Fort Worth, who shall supervise in conjunction with the city attorney of the City of Fort Worth the issuance of bonds in connection with the making of public improvements and such other work as is incident to and arising out of the making of such improvements as are provided in other portions of this charter and the present city attorney of the City of North Fort Worth is hereby designated as an assistant city attorney of the City of Fort Worth to so prosecute such cases so pending in said recorder's court and to do the other things in this section provided for and who shall hold such position for and during the time for which he has already been elected to fill the position of city attorney of the City of North Fort Worth as heretofore constituted and existing and after such time the said position shall be filled by appointment by the board of commissioners of the City of Fort Worth; that he shall receive a salary of \$100 per month.

SEC. 3. There is hereby created and the board of commissioners of the City of Fort Worth shall establish a sub-police station within the territory which has heretofore been the municipality of the City of North Fort Worth and said substation shall be under the direction and supervision of a second assistant chief of police of the City of Fort Worth and the said position of said assistant chief of police of the said City of Fort Worth is hereby created, and the present chief of police of the City of North Fort Worth is hereby designated as such second assistant chief of police of the City of North Fort Worth, to hold such position during the term for which he has already been elected and at the expiration of such term, such position shall be filled by appointment of the board of commissioners of the City of Fort Worth; provided, said substation and said second assistant chief of police of the City of Fort Worth or other such officers as may be by the terms of this act appointed within said City of Fort Worth, shall be under the direction, supervision and control of the board of commissioners of the City of Fort Worth, and he shall receive such salary as may be fixed by the board of commissioners.

SEC. 4. The special act of the Legislature of Texas entitled "An Act to incorporate the City of Fort Worth, Tarrant county, Texas, and to grant it a new charter; to define its powers and to prescribe its duties and liabilities; to provide for its approval by the qualified electors of said

city, and to declare an emergency," passed by the Thirtieth Legislature, approved and signed February 26, 1907, and all other laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. Whereas, there has been a rapid growth in the population in the City of Fort Worth and its material development, so that the present charter of the City of Fort Worth is wholly insufficient and unsuited for the existing conditions in said city and there is an immediate necessity for enlarged powers for the proper government of the said city, create an imperative public necessity and an emergency requiring the suspension of the constitutional rule which provides that all bills shall be read on three several days and this rule is hereby suspended, and this act shall be in force and take effect from and after its so enacted.

[NOTE.—The enrolled bill shows that the foregoing Act passed the House by the following vote, yeas 90, nays 0; was referred to the Senate, amended and passed by the following vote, yeas 28, nays 0; and that the House concurred in the Senate amendments by the following vote, yeas 94, nays 0.]

Approved March 10, 1909.
Became a law March 10, 1909.

HENRIETTA INDEPENDENT SCHOOL DISTRICT—CREATION OF.

H. B. No. 562.]

CHAPTER 32.

An Act creating the Henrietta Independent School District in Clay county, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of Henrietta of the control of its public free schools, and the title of all property now held and used for public school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That the Henrietta Independent School District is hereby created and established in Clay county, Texas, including within its limits that certain territory described by metes and bounds as follows, to-wit:

Beginning about two and one-fourth miles north of the court house in Henrietta, Clay county, Texas, at the northeast corner of A. Dickerson 1920 acre survey. Thence west 3275 varas to northwest corner of same. Thence south 90 varas to northeast corner of Joseph Evans survey. Thence west 2886 varas to northwest corner of same. Thence south with east lines John Levins, Joseph Murphy, E. Hoskins, A. Dickerson and John McCowan surveys, 8674 varas to southeast corner of John McCowan's survey. Thence east 340 varas to west line Orange county school lands. Thence south 1000 varas to southwest corner of Block 8 of the Graves subdivision of Orange county school land. Thence east with north boundary lines of Blocks 7, 10, 23, 30, 43, 52 and 62 of said subdivision 8450 varas to northeast corner of Block 62, said