An Act to incorporate the town of Silver City in the County of Grant.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section I. All that section of country lying and being in the County of Grant and embraced within the following limits to wit: an area of two miles square conforming to the points of the compass North, East, South and West measuring from the point intersecting at right angles Broadway and Main Street in the town site of Silver City is hereby declared to be within the corporate limits of the town of Silver City.

Section II. The inhabitants of said area of two miles square be and they are hereby constituted a body politic and corporate and by the name and style of the town of Silver City, and by that name they shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Section III. The inhabitants of the town of Silver City by the name and style aforesaid, to sue and be sued, implored and be impleaded, defend and be defended against in all courts of law and equity, and in all
actions whatsoever to purchase, receive and hold property real, personal and mixed in said town, and beyond the limits of said town for burial grounds and for other public purposes for the use of the inhabitants of said town; to sell, lease, convey and dispose of the property owned and held by said town, for the benefit of said town; to improve and protect all property owned and held by said town and to do all such things in relation thereto as natural persons.

Town Council

Article II.

Section I. The corporate powers and duties of said town shall be vested in a Mayor and four Town Councilmen and such other Officers as are hereinafter named.

Section II. The Mayor and Councilmen shall constitute a Town Council of which the Mayor shall be ex-officio president, but he shall not vote except in case of a tie.

Section III. No person shall be a Councilman unless at the time of his election he shall have resided twelve months next preceding his election within the limits of the town, and shall be at the time of his election, twenty-five years of age, a citizen of the United States and
Section IV. The Councilmen at the first meeting after their election shall choose from their number a president or pro-tem, who shall hold said office until the next election of town officers, and who shall preside at the meetings of the Council in the absence of the Mayor.

Section V. The style of the ordinances of said corporation shall be, "Be it ordained by the Council of the town of Silver City, and all ordinances passed by said Council shall be signed by the Mayor, and countersigned by the Clerk of said Council and published for the information of the inhabitants of said town in such manner as the Council may direct and prescribe by ordinance.

Section VI. The Council shall appoint a Clerk who shall keep a faithful record of their proceedings, and shall preserve in his office all records, public papers and documents belonging to the town, and perform such other duties as the Council may by ordinance prescribe.

Section VII. The Council shall fix and regulate the time and place of holding their meetings, and the Mayor, or in his absence the president pro-tem, may call a meeting at
any time, and the duties and powers here:
in imposed and granted upon and to the
Mayor shall in all cases of his inability to
act devolve upon the president pro-
tem of the Council.

Section VII. The Council shall judge of the quali-
fications of their own members and
shall determine all contested elections.

Section VIII. A majority of the Council shall consti-
tute a quorum to transact business, but a
smaller number may adjourn from day to day
and compel the attendance of absent members
under such penalty as may be prescribed
by ordinance.

Section IX. In case a vacancy shall at any time
occur in the Town Council by death,
resignation or otherwise, the Mayor shall
forthwith issue his proclamation ordedin
an election to be held on a day speci-
fied in such proclamation not exceeding
six days after the date thereof for the pur-
pose of filling such vacancy, which said
election shall be conducted and the
returns made in the same manner as
herein provided for at any election for
council.

Section X. The Mayor, Councilmen and Officers
of said corporation, shall each of them...
entirely upon the duties of their offices
take and subscribe an Oath before any
officer authorized by law to administer
oaths, that they will support the Constitution
of the United States of America, and the laws
of the Territory of New Mexico, and that
they will well and truly perform the duties
of their office to the best of their skill and
ability; which Oath shall be filed with
the Clerk of said Council.

Section XII. Whenever there shall be a tie in the elect-
ion of Councilmen, the judges of election
shall certify the same to the Mayor who
shall determine the same by lot in such
manner as shall be prescribed by ordi-

cance.

Mayor

Article III

Section I. The Mayor of said town shall be chosen by
the qualified voters of said town, and
he shall hold his Office for one year, and
until his successor is elected and qua-

Section II. No person shall be eligible to the office
of Mayor, who shall not have been a
resident of the town for at least one
year preceding his election, or who shall
be under twenty-five years of age, or who
shall not at time of his election be a citizen of the United States.

Section III. When two or more persons shall have an equal number of votes for Mayor, the judges of election shall certify the same to the Town Council, who shall proceed to determine the same by lot in such manner as may be prescribed by ordinance.

Section IV. Whenever an election for Mayor shall be contested the Town Council shall determine the same in such manner as shall be prescribed by ordinance.

Section V. Whenever any vacancy shall happen in the office of Mayor by death, resignation or otherwise, it shall be the duty of the President pro-tempore of the Council at once upon notification thereof to order a special election to fill the same, in the same manner as is herein provided for in the case of a vacancy occurring in the Town Council, and in the event of the refusal or neglect of the President pro-tempore to order such special election, any member of the Council may do so.
Section 3. The general election for the Officers of the County Council shall be held in the first Tuesday of March in every even numbered year, and the County Council shall make rules and regulations as to the time and manner of holding the election of said Officers. In no case shall any person be elected as an Officer of the County Council who shall not have been a qualified elector of the County for at least five years preceding the date of their election.

Section 4. The Officers of the County Council shall hold their seats until their successors are duly elected and qualified.

Section 5. The proceedings of the County Council shall be conducted under the provisions of the laws of the State and the laws of the United States relating to the County Council.
returns thereof, and if on the day appointed for holding any election, the Judges or any of them fail to attend, the electors shall appoint a Judge or Judges to hold such election, and all Judges of Elections under this Act shall take and subscribe the same oath as is required of other Judges of election under the laws of this Territory.

Section IV. All Officers elected or appointed under the provisions of this Act shall hold their offices until their successors shall be duly elected or appointed and qualified.

Section V. All elections under this Act shall be by ballot and regulations in such manner as may be prescribed by ordinance.

Article IV

Section 1. The Council shall have power by ordinance to levy and collect taxes, and they may authorize the Collector of said town to seize and sell the personal property of a person liable for taxes in the same manner and under the same conditions and restrictions as personal property is now, or may be required to be seized and sold under executions.
issued on judgments at law. The Council shall also have power by ordinance to provide for assessing and taxing real estate in said town, and for selling the same for taxes.

Section 12. If any real estate be sold by virtue of an ordinance of said town, the owner thereof may redeem the same at any time within two years from the day of sale, by paying to the Collector double the amount of taxes and costs of such sale together with the amount paid by the purchaser therefor for said property and taxes thereon subsequently paid, saving to lunatics and infants the right to redeem at any time within one year after such disability is removed. If such redemption is not made, the Council may by ordinance authorize the acting Collector of the town to execute, acknowledge and deliver to the purchaser or purchasers of such real estate so sold for taxes, a tax deed, which shall vest in the grantee his heirs or their heirs and assigns the title to the real estate therein described and the deeds executed by the Collector in accordance with the ordinance of said town Council, when duly recorded according to law, shall be received and held in all
courts and places, when the title to the real estate thereby conveyed is involved, as conclusive evidence. That each and every act or thing required to be done by the provisions of the ordinances of said town council have been complied with, and the party offering such deed in evidence shall not be required to prove the regularity of the assessment, taxation and sale to sustain such conveyance, and the title thereby acquired, provided however that the party offering such deed, and the title thereby conveyed may show either of the following facts: 1. That the land conveyed by such deed was not subject to such taxation at the time of the assessment thereof and under which assessment such sale was made. 2. That the taxes due thereon had been paid according to the ordinances of said council before such sale thereof. 3. That such land had been duly redeemed before the execution of such deed.

Section 111. The town council shall have power to appoint a Clerk, Treasurer, Marshall, Assessor, Supervisor of Streets, and all such other officers as may be necessary, and work herein mentioned, prescribe their duties, fix their compensation, and remove.
Section II. The town council shall have power to require of all officers appointed in pursuance of this Act to give bond with penalty and security.

Section IV. The town council shall have power by ordinance to appropriate money and to provide for the payment of the debts and expenses of the town; to make regulations to secure the general health of the inhabitants of the town; to prevent the introduction of contagious diseases therein, and to declare what shall be a nuisance and prevent and remove the same; to open, alter, widen, abolish, extend, establish, grade, curb and pave the streets and sidewalks of said town and otherwise improve and help them in repair; to levy and collect a special tax on the owner or occupier of the lot or lots on any street lane, avenue or alley within said town for the purpose of grading, curbing, paving and repairing the street and sidewalks in front of their respective lots, for improving and keeping them in repair, but in no case shall the tax so imposed exceed ten dollars on one lot in any one year, except by consent of the owner.

Section VII. And if such owner or occupier shall fail to grade, curb, pave or repair said street and
sidewalk as required by ordinance the council may cause the same to be done and may recover the full expenses thereof from such owner or occupier in an action of debt.

Section VII. If any tenant shall be required to grade, curb, pave or repair the sidewalks and streets in front of the property occupied by him, the expenses or costs thereof shall be a good and legal set-off against as much of the rent due the owner, but no tenant shall be required to expend more for such purposes than the rent for the term for which he occupies the property.

Section VIII. If any person who is a non-resident of said town fails to grade, curb, pave or repair said sidewalks and streets when required as aforesaid, the town council may cause such lot or lots to be sold to defray the expenses of such curbing, grading or repairing in such manner as the council may provide.

Section IX. The council shall have power to erect, establish and keep in repair bridges; to erect market houses, to establish markets and market places, to provide for the regulation and government thereof, to provide for the establishment, support and regulation of night watchmen and patrols, for enclosing
improving and regulating public grounds within the town, and for the punishment of injuries or damages done to trees, buildings, springs or other improvements thereof; and also for the erection of all needful buildings for the use of said town; to erect and maintain a prison and workhouse for the use of said town, and to make all needful rules and regulations therefor.

Section X. The Council shall have power to licence, tax and regulate Auctioneers, Merchants, Grocers, Butchers, Tanners and Saddlers, and all places where fermented liquors are sold, and the vendors of the same, hawkers, peddlers, brokers, pawnbrothers and billiard tables, theatrical and other performances, shows and amusements; to tax, regulate and restrain, prohibit and suppress tippling houses, dance houses, gambling, dance andassembly and disorderly houses to the distance of one mile from the corporate limits of the town, but in no case shall the licence as above exceed in amount one half the licence now levied by the Territory of New Mexico.

Section XI. The Council shall have power to provide for the extinguishment of fires; to establish and provide wells and streams, to regulate the fixing of chimneys and the flues thereof.
to regulate the storage of gunpowder and other combustible materials; to provide for the inspection and weighing of hay; for the measuring of charcoal and other fuels; to regulate the size of bricks; for the inspection of other building material to be used or sold within said town; to levy and collect a tax on dogs not to exceed three dollars per head; to prevent and punish for the firing of firearms; galloping or furious driving of horses and mules; fighting, quarrelling, Sabbath breaking, drunken, indecent and profane language, and all offenses against public decency and good order within the corporate limits of the town; to provide for the election of Town Officers; for the removal from office any person holding an office created by an ordinance; to fix the compensation of all Town Officers; to regulate the fees of justices, witnesses and others for services rendered under this Act, or any ordinances of the town.

Section XVII. The Council shall have power to regulate the police of the town, impose fines, forfeitures and penalties for the breach of any ordinance not to exceed the sum of two hundred dollars, and for the recovery of
appropriation of such fine and for forfeiture; and the enforcement of such penalties and in default of the payment thereof to provide for imprisonment not to exceed one month, or labor on the streets, or both, to make all ordinances which shall be necessary or proper for carrying into execution the powers specified in this Act, provided that such ordinances be not inconsistent with the laws of the United States and this Territory, provided further that the right of Appeal to the District Court from any judgment or decision rendered by virtue of this Act shall be granted as in other cases provided by law.

Article V.

Section II. The Mayor shall be the Chief Executive Officer of the city within the limits of the town, and it shall be his duty to see that all the ordinances of the council are strictly enforced; he shall have power to remit fines and forfeitures, and grant reprieves and pardons in all cases arising under the ordinances of said town, to call upon any male inhabitant of the town to aid in enforcing the laws and any person who shall not obey the call.
shall forfeit to the town a fine not exceeding fifty dollars.

Marshall

Section II. The Marshal of the town of Silver City, when duly appointed and qualified, shall have power to execute all writs or other process issued by the Justice of the Peace, and serve criminal process, warrants and subpoenas anywhere within the limits of Grant County for offenses committed within the limits of the corporation, and shall have the same fees therefore as constables of precincts. He shall be a conservator of the peace, shall be vigilant and active in the suppression of riotous, violent and disorderly persons, and shall forthwith bring them before the Justice of the Peace for trial or examination without process.

Section III. The Marshal shall have power to commit persons to the workhouse or county jail or other place of safe keeping until trial or examination can be had, and shall do and perform all duties which may be enjoined upon him by ordinance of the town council; to collect all fines, forfeitures or penalties which may accrue to said town not otherwise provided for by ordinance; and in the performance of
any duty enjoined upon him by ordinance he shall be invested with such powers as are or shall be conferred upon Constables by the laws of this Territory: he shall by virtue of his office be Collector of the taxes and revenues within the town, and shall give such additional bond as such Collector as may be prescribed by ordinance.

**Article VIII**

**Section I.** When it shall be necessary to take private property for opening, widening or altering any street, lane, avenue or alley, the Corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of said compensation cannot be agreed on, the Mayor shall cause the same to be assessed by a jury of six disinterested freeholders of the town, all jurors being selected to enquire into the amount of benefit or damage which shall happen to the owner of the property taken for opening, widening or altering such street, lane, avenue or alley, shall be first sworn to that effect, and shall return to the Mayor their report in writing signed by each juror.
Section II. The Mayor shall have power for any good cause shown to return, after any inquest shall have been returned, from aforesaid to set the same aside, and cause a new inquest to be made, which new assessment shall be final. In assessing the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jurors shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

Miscellaneous

Section III. The inhabitants of the town of Silver City are hereby exempted from working on any road beyond the limits of the town, or from paying any tax to procure laborers for working on the same, to exceed two days in any one year. The Town Council shall by ordinance declare what are public roads, and open and keep the same in good traveling order; and have exclusive jurisdiction over the same within the limits of the town; and to require every male inhabitant between the age of eighteen and fifty years, to labor on said streets, lanes,
Section III. The town Council shall have power to levy and collect a tax not exceeding One half of one percent on all real estate within the limits of the Corporation and belonging to persons therein for the purpose of keeping the streets, lanes, avenues, alleys and roads of said town in repair.

Section IV. The town Council shall cause to be published annually a full and complete statement of all monies had and received and expended by the Corporation during the preceding year, and on what account received and expended.

Section V. Any Justice of the peace residing within the limits of said town is hereby authorized, empowered and required to inquire into, hear and determine all offenses committed within the limits of said town against any of the ordinances of said Council, and to punish the offender or offenders as prescribed by said ordinances, provided that any person
charged with violating any of said ordinances may have a trial by jury as in other cases.

The fees and commissions of the Justices of the Peace to be prescribed and regulated by ordinance of the Council, in all cases under this act.

Section VI. In actions, suits, and proceedings wherein said town shall be a party, no citizen thereof shall be deemed an incompetent witness or juror on account of the interest of such citizen in the event of such action, suit or proceeding, provided that such interest be only such as is held in common with the citizens of said town.

Section VII. The Council shall have power to levy and collect a tax not to exceed one half of one per cent within any one year upon all taxable property within the limits of said town for general purposes, and shall declare what property shall be taxed and determine the valuation thereof.

Section VIII. The town council of Silver City shall have power to regulate the disposal of all lands belonging to said town, and particularly of those lands embraced within the limits of the town site of Silver City, New Mexico, and conveyed to the inhabitants of said town site of Silver City by deed from F. F. Burnett, Probate Judge of the County of Grant, dated
March 15, 1876, which have not heretofore been disposed of, and to authorize and empower the Mayor to make a good and sufficient deed to the same to be signed by the Mayor, and attested by the Clerk of the Council with the corporate seal or scroll.

Section VIII. This Act is hereby declared to be a public Act, and may be used without further proof in all courts of law and equity in this Territory.

Section IX. This Act shall take effect and be in force immediately after its passage, and an Act entitled “An Act to incorporate the town of Silver City in the County of Grant,” Approved January 14th, 1876, be and the same is hereby repealed, and all acts and parts of Acts inconsistent with this Act are hereby also repealed.

Approved July 15, 1878, Juan B. Paternap
Speaker House of
Governor W.M. Paternap

Santiago Paternap
Presidente del
Legislatura
An Act to amend an Act entitled "An Act to Incorporate the town of Silver City in the County of Grant", approved February 15th., 1873.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That an act entitled "An Act to amend the charter of the town of Silver City in the County of Grant", approved March 10th., 1884, be and the same is hereby repealed.

Section 2. Be it further enacted, that an act entitled "An Act to incorporate the town of Silver City in the County of Grant", approved February 15th., 1873, be and the same is hereby amended by striking out Section 1 of Article I and substituting therefor the following, viz.: Section 1. The corporate powers and duties of said town shall be vested in a mayor and four councilmen who shall serve without compensation, and in such other officers as are hereinafter named; the mayor shall serve for a term of one year, and at the general election held in and for said town for the year 1899 two of said councilmen shall be elected to serve for a term of one year and two of said councilmen shall be elected to serve for a term of two years, said general election to be held under regulations and in the manner prescribed by the council of said town; and at each annual general election of said town held thereafter there shall be elected two councilmen to serve for a term of two years; and by adding to Section 3 of Article I the following words to wit: "And an owner of real estate in said town of Silver City, and by striking out of Section 5 of Article IV all of the concluding sentence in the following words, to wit:" but in no case shall the tax so imposed exceed ten dollars on one lot in any one year except by consent of the owner."

Section 3. This act shall take effect and be in force from and after its passage.
END