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OF THE
CITY OF SAINT LOUIS;

REVISED AND DIGESTED

BY THE BOARD OF ALDERMEN,

DURING THE YEARS 1835 AND 1836.

TO WHICH ARE PREFIXED

THE CONSTITUTION OF THE UNITED STATES,

AND THE AMENDMENTS THERETO;

THE CONSTITUTION OF THE STATE OF MISSOURI,

AND THE AMENDMENTS THERETO;

THE CHARTER OF THE CITY OF ST. LOUIS, AND THE
ACT OF THE LEGISLATURE FOR THE
SALE OF THE COMMON.

PRINTED AND PUBLISHED UNDER THE DIRECTION OF
THE SUPERINTENDENT APPOINTED BY THE BOARD OF ALDERMEN.

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THE undersigned was appointed by the board of aldermen of the city of St. Louis, to superintend the publication of the REVISED ORDINANCES. In every instance, the text of each ordinance was carefully compared by him, with the copy furnished by the register of the city, under the direction of the board, and with the exception of the few inaccuracies noted in the *Errata* at the end of the volume, there is an exact correspondence between the text and the copy thus furnished.

WILSON PRIMM.

October, 1836.

ADVERTISEMENT.

THE SUPERINTENDENT has taken great pains to render the publication of the REVISED ORDINANCES as accurate and complete as possible. Notwithstanding his efforts however, he has discovered a few inaccuracies, and has noted such of them as are deemed of importance, in a note at the end of the volume.

St. Louis, October, 1836.

CONSTITUTION

OF THE

UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

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SECTION 1.

1. All legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SECTION 2.

1. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within the union, according to their respective numbers, which shall be determined by adding to the

whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three; *Massachusetts*, eight; *Rhode Island* and *Providence Plantations* one; *Connecticut* five, *New York* six; *New Jersey* four; *Pennsylvania*, eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

4, When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies. 5 The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.

1. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class, shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a resident of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

5. The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation.

When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in all cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law, make or alter such regulation; except as to the places of choosing senators.

2. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be member of either house during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it; but if not he shall return it with his objections, to that house in which it shall have originated, who shall enter their objections at large on their journal, and proceed to re-consider it. If, after such re-consideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the

congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment,) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and the useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the supreme court: To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

11. To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years:

12. To provide and maintain a navy:

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions:

15. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines; arsenals, dock yards, and other needful buildings:—and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

*See Art. 5, clause 1.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time.

7. No title of nobility, shall be granted by the United States. and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.*

SECTION 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver a tender, in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Sec. 1—1. The executive power vested in a President, how elected.

2. Of Electors of President and Vice President.

3. Meeting of the electors and their proceedings (This section is annulled. Vide amendments, Article 12.)

4. Time of choosing electors.

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7. Of the President's compensation.

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2—1. Powers and duties of President.

2. President to make treaties, appoint ambassadors and other officers.

3. President to fill Vacancies during recess of the senate.

3. The president to give congress certain information, and recommend measures.

4. How the President may be removed.

SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. *The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each: which list they shall sign and certify and transmit sealed to the seat of the government of the United States directed to the president of the senate. The president of the senate shall, in presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be president, if such number be a majority of the whole number of electors appointed: and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president: and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice president.**

Annulled. See amendments, article 12.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:

9. "I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL FAITHFULLY EXECUTE THE OFFICE OF PRESIDENT OF THE UNITED STATES, AND WILL, TO THE BEST OF MY ABILITY PRESERVE, PROTECT, AND DEFEND THE CONSTITUTION OF THE UNITED STATES."

SECTION 2.

1. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject, relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the senate, to make treaties; provided two-thirds of the senators pre-

sent concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they may think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall, from time to time, give information to the congress, of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION 4.

1. The president, vice president, and all civil officers in the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SEC. 1. Of the Judicial power. Judges to hold their offices during good behavior.

2—1. Extent of Judicial power.

2. Original and appellate jurisdiction of the Supreme Court.

3. Of trials for crimes.

3. Treason, definition and punishment of.

SECTION 1.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from

time to time, ordain and establish. The judges of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.

1. The Judicial power shall extend to all cases in law or equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdictions; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands, under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where said crime shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

Sec. 1. Full faith to be given to the public acts, records, &c.

2.—1. Privileges and immunities of citizens.

2. Of fugitives from justice.

3. Of persons held to service or labor in one state and fleeing to another.

3.—1. Of the admission of new States into the Union.

2. Of the disposition of territory, &c

4. Guarantee and disposition of the several states.

SECTION 1.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

1. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, or any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

2. The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION 4.

1. The United States shall guaranty to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

Sec. 1. Amendments to the constitution, how made, and how ratified.

1. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case shall be valid to all intents and purposes, as part of this constitution, when ratified by three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.*

ARTICLE VI.

Sec. 1.—1. Former debts of the Government valid under this constitution.

2. The constitution, &c. the supreme law of the land.

3. All officers, state and national, to take an oath to support the constitution of the United States—no religious test shall be ever required.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution and laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several legislatures, and all executive and judicial offi-

See ante. art. 1, sec. 3, clause 1.

cers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; and no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

SEC. 1. When the constitution shall take effect.

1. The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the Unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and deputy from Virginia.

NEW-HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW-YORK.

Alexander Hamilton,

NEW-JERSEY.

William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,

DELAWARE.

George Read,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.

James M'Henry,
Daniel of St. Tho. Jenifer.
Daniel Carroll.

VIRGINIA.

John Blair,
James Madison, jun.

NORTH CAROLINA.

William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.

John Rutlege,
Charles Cotesworth Pinekney.

George Clymer,
 Thomas Fitzsimons,
 Jared Ingersol,
 James Willson,
 Gouverneur Morris.

Attest,

Charles Pinckney,
 Pierce Butler.

GEORGIA.

William Few,
 Abraham Baldwin.

WILLIAM JACKSON, *Secretary*.

IN CONVENTION.

RESOLVED, 1. Constitution to be laid before Congress, &c.

RES. 2. Congress to fix a day for appointing electors.

RES. 3. How Constitution to be carried into effect.

MONDAY, SEPTEMBER 17th, 1787.

Present: The states of New-Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South Carolina, and Georgia.

1. *Resolved*, That the preceeding constitution be laid before the United States in congress assembled, and that it is the opinion of this convention, that it should afterwards be submitted to a convention of delegates chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to, and ratifying the same, should give notice thereof to the United States in congress assembled.

2. *Resolved*, That it is the opinion of this convention, that as soon as the conventions of nine states shall have ratified this constitution, the United States in Congress assembled, should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors shall vote for the president, and the time and place for commencing proceedings under this constitution. That after such publication, the electors should be appointed, and the senators and representatives elected. That the electors should meet on the day fixed for the election of the president, and should transmit their votes, certified, signed, sealed and directed, as the constitution requires, to the secretary of the United States, in congress assembled; that the senators and representatives should convene at the time and place assigned; that the senators should appoint a president of the senate, for the sole purpose of receiving, opening, and counting the votes for president; and that after he shall be chosen,

the congress, together with the president, should, without delay, proceed to execute this constitution.

By the unanimous order of the convention,

GEORGE WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

IN CONVENTION,

Letter from Convention.

SEPTEMBER 17th, 1787.

SIR,

1. We have now the honor to submit to the consideration of the United States in congress assembled, that constitution which has appeared to us the most advisable.

2. The friends of our country have long seen and desired, that the power of making war, peace, and treaties; that of levying money, and regulating commerce, and the correspondent executive and Judicial authorities, should be fully and effectually vested in the general government of the union: but the impropriety of delegating such extensive trust to one body of men, is evident; hence results the necessity of a different organization.

3. It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states, as to their situation, extent, habits and particular interests.

4. In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our greatest prosperity, felicity, safety, perhaps our national existence.— This important consideration, seriously and deeply impressed upon our minds, led each state in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and

thus the constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

5. That it will meet the full and entire approbation of every state, is not perhaps to be expected: but each will doubtless consider that had her interests alone been consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants:

By the unanimous order of the convention.

GEORGE WASHINGTON, *President.*

His excellency the president of congress.

[The conventions of a number of the states having, at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, congress, at the session begun and held at the city of New-York, on Wednesday, the 4th of March, 1788, proposed to the legislatures of the several states twelve amendments, ten of which only were adopted. They are the ten first following.]

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I. The free exercise of religion, freedom of speech, of the press, of the right to peaceably assemble, and to petition. guaranteed to the people.

ART. II. Right to bear arms.

ART. III. Of Quartering soldiers in time of peace.

ART. IV. No search warrant to issue except on oath.

ART. V. Capital and infamous crimes—proceedings.

ART. VI. Right of the accused in criminal cases.

ART. VII. Trial by Jury preserved.

ART. VIII. Bail and Fines

ART. IX. Construction of powers delegated.

ART. X. Powers.

ART. XI. Restraint of judicial power.

ART. XII. 1. Mode of electing President and Vice President. 2 & 3. Of the Vice President.

ART. XIII. In what case persons forfeit citizenship.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself; nor be deprived of life liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district

wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to these states, are reserved to the states respectively, or to the people.

ARTICLE XI.*

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

1. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots

*See ante. art. 3, sec. 2, clause 1.

†See ante. art. 2, sec. 1, clause 3, page 23.

the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the Senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the vote shall be taken by states, the representatives from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president, shall be the vice-president; if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and

shall be incapable of holding any office of trust or profit under them, or either of them.

[NOTE.—The 11th article of the amendments to the Constitution, was proposed at the second session of the thjrd congress; the 12th article, at the first session of the eighth congress; and the 13th article, at the second session of the eleventh congress.]

CONSTITUTION

OF THE

STATE OF MISSOURI.

We the people of Missouri, inhabiting the limits hereinafter designated, by our representatives, in Convention assembled, at St. Louis, on Monday the 12th day of June, 1820, do mutually agree to form and establish a free and independent republic, by the name of "THE STATE OF MISSOURI;" and for the government thereof, do ordain and establish this Constitution.

ARTICLE I.

Of Boundaries.

Description of the permanent boundaries of the State of Missouri.

We do declare, establish, ratify and confirm, the following, as the permanent boundaries of said state, that is to say: "Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence west, along the said parallel of latitude, to the St. Francois river; thence up, and following the course of that river in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence, from the point aforesaid north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line correspond with the Indian boundary line, thence east from the point of intersection last aforesaid, along the said parallel of latitude, to the middle, of the channel of the main fork of the said river Des Moines; thence down along the middle of

the main channel of the said river Des Moines to the mouth of the same, where it empties into the Mississippi river; thence due east to the middle of the main channel of the Mississippi river; thence down and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning."

ARTICLE II.

Of the Distribution of Powers.

Of the distribution of the powers of the government.

The powers of government shall be divided into three distinct departments, each of which shall be confided to a separate magistracy; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

Of the Legislative power.

- Sec. 1. Legislative power, in what body vested.
2. Members of the House of Representatives, how often, by whom, and for what length of time chosen; may not exceed 100.
3. Qualifications of representatives.
4. Enumeration of inhabitants and apportionment of representatives to be made every fourth year.
5. Term of service, and qualification of Senators.
6. Constitution of the Senate—apportionment and districts.
7. Senators to be classed.
8. Elections when held—electors privileged from arrest on election days, except in certain cases.
9. Writs of elections to supply vacancies—by whom issued.
10. Electors—their qualifications.
11. Officers not eligible to the general assembly.
12. No disbursing or receiving officer eligible to the legislature, who has not accounted for, and paid all moneys due the state.
13. Clergymen disqualified from holding any office except that of justice of the peace.
14. Persons disqualified from holding office on account of crime.
15. Disqualification for bribery.
16. Disqualification of senators and representatives for certain offices.
17. Each house to appoint its own officers—what constitutes a quorum.
18. Powers and duty of each house—rules, expulsion, &c. Journal to be published—yeas and nays to be recorded when desired by two members.
19. Doors to be kept open, except in cases which require secrecy—power to punish for disrespect and contempt.
20. Of adjournment.

21. Bills may originate where, how often read, and by whom signed.
22. Appointment of officers viva voce.
23. Privileges of senators and representatives.
24. Compensation.
25. Of suits against the state.
26. The power of the general assembly does not extend to—1st, the passage of an emancipation law, or 2nd, to prevent emigrants from removing their slaves to this state. The legislature may prohibit, 1st, the introduction of slaves guilty of high crimes; or 2nd, for the purpose of speculation; or, 3rd, in contravention of a statute of the United States; and 4th, may permit their emancipation, good security being first given. It is their duty to pass laws, 1st, to prevent the introduction of free negroes and mulattoes; and 2nd, to compel masters to treat slaves with humanity.
27. Rights of slaves in trials for crimes.
28. Crimes committed on slaves.
29. Of impeachment.
30. Impeachment to be made by the house of representatives and tried by the senate.
31. Of the treasurer and his duty.
32. Appointment of officers—oath of office.
33. Meetings of general assembly.
34. Counties to be not less than 20 miles square.
35. Revision of laws, how often.
36. Style of laws.

§ 1. The legislative power shall be vested in a "*General Assembly*," which shall consist of a "*Senate*," and of a "*House of Representatives*."

§ 2. The house of representatives shall consist of members to be chosen every second year by the qualified electors of the several counties. Each county shall have at least one representative, but the whole number of representatives shall never exceed one hundred.

§ 3. No person shall be a member of the house of representatives who shall not have attained to the age of twenty-four years: who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this state two years, and of the county which he represents one year next before his election, if such county shall have been so long established, but if not, then of the county or counties from which the same shall have been taken; and who shall not moreover have paid a state or county tax.

§ 4. The general assembly, at their first session, and in the years one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-four, respectively, and every fourth year thereafter, shall cause an enumeration of the inhabitants of this state to be made; and at the first session after each enumeration, shall apportion the number of representatives among the several counties, according to the number of free white male inhabitants therein.

§ 5. The senators shall be chosen by the qualified electors, for the term of four years. No person shall be a senator, who shall not have attained to the age of thirty years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this state four years, and of the district which he may be chosen to represent, one year next before his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken; and who shall not, moreover, have paid a state or county tax.

§ 6. The senate shall consist of not less than fourteen nor more than thirty-three members; for the election of whom the state shall be divided into convenient districts, which may be altered from time to time, and new districts established, as public convenience may require; and the senators shall be apportioned among the several districts, according to the number of free white male inhabitants in each; provided, that when a senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

§ 7. At the first session of the general assembly, the senators shall be divided by lot, as equally as may be, into two classes. The seats of the first class shall be vacated at the end of the second year; and the seats of the second class at the end of the fourth year; so that one half of the senators shall be chosen every second year.

§ 8. After the first day of January, one thousand eight hundred and twenty two, all general elections shall commence on the first Monday in August, and shall be held biennially; and the electors, in all cases except of treason, felony, or breach of the peace, shall be privileged from arrest during their continuance at elections, and in going to, and returning from the same.

§ 9. The governor shall issue writs of election, to fill such vacancies as may occur in either house of the general assembly.

§ 10. Every free white male citizen of the United States, who may have attained to the age of twenty-one years, and who shall have resided in this state one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective offices; provided, that no soldier, seaman, or mariner, in the regular army or navy of the United States, shall be entitled to vote at any election in this state

§ 11. No judge of any court of law or equity, secretary of state, attorney general, state auditor, state or county treasurer, register or recorder, clerk of any court of record, sheriff, coroner, member of congress, nor other person holding any lucrative office under the United States, or this state, militia officers, justices of the peace and postmasters excepted, shall be eligible to either house of the general assembly.

§ 12. No person who now is, or who hereafter may be, collector or holder of public money, nor any assistant or deputy of such collector or holder of public money; shall be eligible to either house of the general assembly, nor to any office of profit or trust, until he shall have accounted for and paid all sums for which he may be accountable.

§ 13. No person while he continues to exercise the functions of a bishop, priest, clergyman, or teacher of any religious persuasion, denomination, society or sect whatsoever, shall be eligible to either house of the general assembly; nor shall he be appointed to any office of profit within the state, the office of justice of the peace excepted.

§ 14. The general assembly shall have power to exclude from every office of honor, trust or profit, within this state, and from the right of suffrage, all persons convicted of bribery, perjury or other infamous crime.

§ 15. Every person who shall be convicted of having, directly or indirectly, given or offered any bribe to procure his election or appointment, shall be disqualified for any office of honor, trust, or profit, under this state; and any person who shall give or offer any bribe to procure the election or appointment of any other person, shall, on conviction thereof, be disqualified for an elector, or for any office of honor, trust or profit, under this state, for ten years after such conviction.

§ 16. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased during his continuance in office, except to such officers, as shall be filled by elections of the people.

§ 17. Each house shall appoint its own officers, and shall judge of the qualifications, elections, and returns of its own members. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

§ 18. Each house may determine the rules of its proceedings,

punish its own members for disorderly behavior, and with the concurrence of two thirds of the members elected, expel a member; but no member shall be expelled a second time for the same cause. They shall each, from time to time, publish a journal of their proceedings except such parts as may, in their opinion, require secrecy; and the yeas and nays on any question shall be entered on the journal at the desire of any two members.

§ 19. The doors of each house, and of committees of the whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine or imprisonment, any person not a member who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in their presence, during their session; provided, that such fines shall not exceed three hundred dollars, and such imprisonment shall not exceed forty-eight hours, for one offence.

§ 20. Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than to that in which the two houses may be sitting.

§ 21. Bills may originate in either house, and may be altered, amended, or rejected, by the other; and every bill shall be read on three different days in each house, unless two thirds of the house where the same is depending shall dispense with this rule; and every bill having passed both houses, shall be signed by the speaker of the house of representatives, and by the president of the senate.

§ 22. When any officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house of the general assembly, the votes shall be publicly given *vivo voce*, and entered on the journals. The whole list of members shall be called, and the names of absentees shall be noted and published with the journal.

§ 23. Senators and representatives shall, in all cases, except of treason, felony, or breach of peace, be privileged from arrest, during the session of the general assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either house, they shall not be questioned in any other place.

§ 24. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which may from time to time be increased or diminished by law, but no alteration, increasing or tending to increase the compensation of members,

shall take effect during the session at which such alteration shall be made.

§ 25. The general assembly shall direct by law in what manner, and in what courts, suits may be brought against the state.

§ 26 The general assembly shall have no power to pass laws,
First. For the emancipation of slaves without the consent of their owners, or without paying them, before such emancipation, a full equivalent for such slaves so emancipated; and

Second. To prevent *bona fide* emigrants to this state, or actual settlers therein, from bringing from any of the United States, or from any of their territories, such persons as may there be deemed to be slaves, long as any persons of the same description are allowed to be held as slaves, by the laws of this state.

They shall have power to pass laws,

First. To prohibit the introduction into this state of any slaves who may have committed any high crime in any other state or territory;

Second. To prohibit the introduction of any slave for the purpose of speculation, or as an article of trade or merchandize;

Third. To prohibit the introduction of any slave, or the offspring of any slave who heretofore may have been, or who hereafter may be, imported from any foreign country into the United States, or any territory thereof, in contravention of any existing statute of the United States; and

Fourth. To permit the owners of slaves to emancipate them, saving the rights of creditors, where the person so emancipating will give security that the slave so emancipated shall not become a public charge.

It shall be their duty, as soon as may be, to pass such laws as may be necessary,

First. To prevent free negroes and mulattoes from coming to, and settling in this state, under any pretext whatever;* and

Second. To oblige the owners of slaves to treat them with humanity, and abstain from all injuries to them extending to life or limb.

§ 27. In prosecutions for crimes, slaves shall not be deprived of an impartial trial by jury, and a slave convicted of a capital offence shall suffer the same degree of punishment, and no other, that would be inflicted on a free white person for a like offence; and courts of justice before whom slaves shall be tried, shall assign them counsel for their defence.

* See post, "admission into the Union," resolution, and solemn public act.

§ 28. Any person who shall maliciously deprive of life or dismember a slave, shall suffer such punishment as would be inflicted for the like offence if it were committed on a free white person.

§ 29. The governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, and all judges of the courts of law and equity, shall be liable to impeachment for any misdemeanor in office; but judgment in such case shall not extend farther than removal from office, and disqualification to hold any office of honor, trust, or profit, under this state.

§ 30. The house of representatives shall have the sole power of impeachment. All impeachments shall be tried by the senate, and when sitting for that purpose, the senators shall be on oath or affirmation to do justice according to law and evidence. When the governor shall be tried, the presiding judge of the supreme court shall preside, and no person shall be convicted without the concurrence of two-thirds of the senators present.

§ 31. A state treasurer shall be biennially appointed by joint vote of the two houses of the general assembly, who shall keep his office at the seat of government. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

§ 32. The appointment of all officers not otherwise directed by this constitution, shall be made in such manner as may be prescribed by law and all officers, both civil and military, under the authority of this state, shall, before entering on the duties of their respective offices, take an oath or affirmation to support the constitution of the United States, and of this state, and to demean themselves faithfully in office.

§ 33. The general assembly shall meet on the third Monday in September next; on the first Monday in November, eighteen hundred and twenty-one; on the first Monday in November, eighteen hundred and twenty-two; and thereafter the general assembly shall meet once in every two years, and such meeting shall be on the first Monday in November, unless a different day shall be appointed by law.

§ 34. No county now established by law shall ever be reduced by the establishment of new counties to less than twenty miles square; nor shall any county hereafter be established which shall contain less than four hundred square miles.

§ 35. Within five years after the adoption of this constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested, and promulgated, in such manner as the general assembly shall direct; and a like revision, digest, and promulgation, shall be made at the expiration of every subsequent period of ten years.

§ 36. The style of the laws of this state shall be, "*Be it enacted by the general assembly of the state of Missouri.*"

ARTICLE IV.

Of the Executive Power.

- Sec. 1. Executive power vested in a Governor.
2. Qualifications for governor.
3. Election of Governor and term of service.
4. Ineligible for four years.
5. Commander of militia and navy.
6. Remission of fines and pardons, &c.
7. Governor to give information to general assembly, and may convene them.
8. To distribute and enforce laws.
9. Vacancies in office how supplied.
10. Power and duty in the approval or disapproval of bills—general assembly to reconsider rejected bills.
11. Joint resolutions.
12. Auditor of public accounts, how appointed, duties, &c.
13. Compensation of Governor—not to be increased or diminished so as to affect incumbent.
14. Lieutenant Governor. election and qualification.
15. Lieutenant governor to be president of the senate.
16. Who to act as Governor in case of vacancy, &c.
17. Election to supply vacancy, when to be ordered.
18. Compensation of the lieutenant governor, and president of the senate.
19. Returns of elections of governor and lieutenant governor.
20. Contested elections.
21. Secretary of state, appointment, term of service, duties.
22. Seal of state
23. Sheriff and coroner to be appointed.
24. Vacancies in office of sheriff and coroner, how filled.
25. Election of sheriff and coroner in case of a tie or contested election.

§ 1. The supreme executive power shall be vested in a chief magistrate, who shall be styled "*The Governor of the state of Missouri.*"

§ 2. The Governor shall be at least thirty-five years of age, and a natural born citizen of the United States, or a citizen at the adoption of the constitution of the United States, or an inhabitant of that part of Louisiana now included in the state of Missouri at the time of the ces-

sion thereof from France to the United States, and shall have been a resident of the same, at least four years next preceding his election.

§ 3. The governor shall hold his office for four years, and until a successor be duly appointed and qualified. He shall be elected in the manner following: At the time and place of voting for members of the house of representatives, the qualified electors shall vote for a governor, and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them, by a joint vote of both houses of the general assembly at their next session.

§ 4. The governor shall be ineligible for the next four years after the expiration of his term of service.

§ 5. The governor shall be commander in chief of the militia and navy of this state, except when they shall be called into the service of the United States; but he need not command in person unless advised so to do by a resolution of the general assembly.

§ 6. The governor shall have power to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons.

§ 7. The governor shall, from time to time, give to the general assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions, he may convene the general assembly by proclamation, and shall state to them the purposes for which they are convened.

§ 8. The governor shall take care that the laws be distributed and faithfully executed; and he shall be a conservator of the peace throughout the state.

§ 9. When any office shall become vacant, the governor shall appoint a person to fill such vacancy, who shall continue in office until a successor be duly appointed and qualified according to law.

§ 10. Every bill which shall have been passed by both houses of the general assembly, shall, before it becomes a law, be presented to the governor for his approbation. If he approve, he shall sign it; if not he shall return it with his objections, to the house in which it shall have originated,—and the house shall cause the objections to be entered at large on its journals, and shall proceed to reconsider the bill. If, after such re-consideration, a majority of all the members elected to that house shall agree to pass the same, it shall be sent, together with

the objections, to the other house, by which it shall in like manner be re-considered, and if approved by a majority of all the members elected to that house, it shall become a law.

In all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days, (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if the governor had signed it, unless the general assembly by its adjournment shall prevent its return, in which case it shall not become a law.

§ 11. Every resolution to which the concurrence of the senate and house of representatives may be necessary, except on cases of adjournment, shall be presented to the governor,—and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

§ 12. There shall be an auditor of public accounts, whom the governor, by and with the advice and consent of the senate, shall appoint. He shall continue in office four years, and shall perform such duties as may be prescribed by law. His office shall be kept at the seat of government.

§ 13. The governor shall, at stated times, receive for his services an adequate salary to be fixed by law; which shall neither be increased nor diminished during his continuance in office, *and which shall never be less than two thousand dollars annually.*

§ 14. There shall be a lieutenant governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications as the governor. The electors shall distinguish for whom they vote as governor, and for whom as lieutenant governor.

§ 15. The lieutenant governor shall by virtue of his office be president of the senate. In committee of the whole he may debate on all questions; and when there is an equal division, he shall give the casting vote in senate, and also in joint vote of both houses.

§ 16. When the office of governor shall become vacant, by death, resignation, absence from the state, removal from office, refusal to qualify, impeachment, or otherwise, the lieutenant governor, or in case of like disability on his part, the president of the senate pro tempore, or if there be no president of the senate pro tempore, the speaker of the

house of representatives, shall possess all the powers, and discharge all the duties of governor, and shall receive for his services the like compensation, until such vacancy be filled, or the governor so absent or impeached shall return or be acquitted.

§ 17. Whenever the office of governor shall become vacant, by death, resignation, removal from office, or otherwise, the lieutenant governor, or other person exercising the powers of governor for the time being, shall, as soon as may be, cause an election to be held to fill such vacancy, giving three months previous notice thereof; and the person elected shall not thereby be rendered ineligible to the office of governor for the next succeeding term. Nevertheless if such vacancy shall happen within eighteen months of the end of the term for which the late governor shall have been elected, the same shall not be filled.

§ 18. The lieutenant governor, or president of the senate pro tempore, while presiding in the senate, shall be allowed the same compensation as shall be allowed to the speaker of the house of representatives.

§ 19. The returns of all elections of governor and lieutenant governor shall be made to the secretary of state in such manner as may be prescribed by law.

§ 20. Contested elections of governor and lieutenant governor shall be decided by joint vote of both houses of the general assembly, in such manner as may be prescribed by law.

§ 21. There shall be a secretary of state, whom the governor, by and with the advice and consent of the senate, shall appoint. He shall hold his office for four years unless sooner removed on impeachment. He shall keep a register of all the official acts and proceedings of the governor, and when necessary shall attest them; and he shall lay the same, together with all papers relative thereto, before either house of the general assembly whenever required so to do, and shall perform such other duties as may be enjoined on him by law.

§ 22. The secretary of state shall, as soon as may be, procure a seal of state, with such emblems and devices as shall be directed by law, which shall not be subject to change. It shall be called the "*Great Seal of the state of Missouri*;" shall be kept by the secretary of state, and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated.

§ 23. There shall be appointed in each county a sheriff and a coro-

ner, who, until the general assembly shall otherwise provide, shall be elected by the qualified electors at the time and place of electing representatives. They shall serve for two years and until a successor be duly appointed and qualified, unless sooner removed for misdemeanor in office, and shall be ineligible four years in any period of eight years. The sheriff and coroner shall each give security for the faithful discharge of the duties of his office in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the governor shall appoint a sheriff and coroner therein, who shall each continue in office until the next succeeding general election, and until a successor shall be duly qualified.

§ 24. When vacancies happen in the office of sheriff or coroner, they shall be filled by appointment of the governor; and the person so appointed shall continue in office until successors shall be duly qualified, and shall not thereby be rendered ineligible for the next succeeding term.

§ 25. In all elections of sheriff and coroner, when two or more persons have an equal number of votes, and a higher number than any other person, the circuit courts of the counties, respectively, shall give the casting vote; and all contested elections for the said offices shall be decided by the circuit courts respectively, in such manner as the general assembly may by law prescribe.

ARTICLE V.

Of the Judicial Power.

- Sec. 1. Judicial power in what courts vested.
2. Jurisdiction of Supreme court.
3. Control over inferior courts—shall have power to issue certain writs.
4. Supreme court, of how many judges it shall consist.
5. Of Judicial districts.
6. Circuit court jurisdiction—terms.
7. Of Judicial circuits.
8. Control over inferior courts.
9. Chancery court jurisdiction.
10. Chancery jurisdiction.
11. Inferior courts of chancery may be established.
12. Of inferior tribunals.
13. Appointment of judges.
14. Qualifications of judges.
15. Clerks of courts.
16. Judges, how removed.
17. Justices of the peace.
18. Attorney General.
19. Style of writs and process—of indictments.

§ 1. The judicial power, as to matters of law and equity, shall be vested in a "supreme court," in a "chancellor," in "circuit courts," and in such inferior tribunals as the general assembly may, from time to time, ordain and establish.

§ 2. The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, under the restrictions and limitations, in this constitution provided.

§ 3. The supreme court shall have a general superintending control over all inferior courts of law. It shall have power to issue writs of Habeas Corpus, Mandamus, Quo Warranto, Certiorari, and other original remedial writs; and to hear and determine the same.

§ 4. The supreme court shall consist of three judges, any two of whom shall be a quorum; and the said judges shall be conservators of the peace throughout the state.

§ 5. The state shall be divided into convenient districts, not to exceed four, in each of which the supreme court shall hold two sessions annually, at such place as the general assembly shall appoint; and when sitting in either district, it shall exercise jurisdiction over causes originating in that district only; provided however, that the general assembly may at any time hereafter direct by law, that the said court shall be held at one place only.

§ 6. The circuit court shall have jurisdiction over all criminal cases which shall not be otherwise provided for by law; and exclusive original jurisdiction in all civil cases which shall not be cognizable before justices of the peace, until otherwise directed by the general assembly. It shall hold its terms in such place in each county as may be by law directed.

§ 7. The state shall be divided into convenient circuits, for each of which a judge shall be appointed, who, after his appointment, shall reside, and be a conservator of the peace within the circuit for which he shall be appointed.

§ 8. The circuit court shall exercise a superintending control over all such inferior tribunals as the general assembly may establish, and over justices of the peace in each county in their respective circuits.

§ 9. *The jurisdiction of the court of chancery shall be co-extensive with the state; and the times and places of holding its sessions shall be regulated in the same manner as those of the supreme court.*

§ 10. The court of chancery shall have original and appellate ju-

jurisdiction in all matters of equity, and a general control over executors, administrators, guardians and minors, subject to appeal in all cases to the supreme court, under such limitations as the general assembly may by law provide.

§ 11. Until the general assembly shall deem it expedient to establish inferior courts of chancery, the circuit courts shall have jurisdiction in matters of equity, subject to appeal to the court of chancery, in such manner, and under such restrictions, as shall be prescribed by law.

§ 12. Inferior tribunals shall be established in each county, for the transaction of all county business, for appointing guardians, for granting letters testamentary, and of administration, and for settling the accounts of executors, administrators and guardians.

§ 13. The governor shall nominate, and by and with the advice and consent of the senate, appoint the judges of the supreme court, the judges of the circuit courts, and the chancellor, each of whom shall hold his office during good behavior; and shall receive for his services a compensation which shall not be diminished during his continuance in office, *and which shall not be less than two thousand dollars annually.*

§ 14. No person shall be appointed a judge of the supreme court nor of a circuit court, nor chancellor, before he shall have attained to the age of thirty years; nor shall any person continue to exercise the duties of any of said offices after he shall have attained the age of sixty-five years.

§ 15. The courts respectively, shall appoint their clerks, who shall hold their offices during good behaviour. For any misdemeanor in office, they shall be liable to be tried and removed by the supreme court, in such manner as the general assembly shall by law provide.

§ 16. Any judge of the supreme court or the circuit court, or the chancellor, may be removed from office on the address of two thirds of each house of the general assembly to the governor for that purpose; but each house shall state on its respective journal the cause for which it shall wish the removal of such judge or chancellor, and give him notice thereof, and he shall have the right to be heard in his defence in such manner as the general assembly shall by law direct; but no judge nor chancellor shall be removed in this manner for any cause for which he might have been impeached.

§ 17. In each county there shall be appointed as many justices of the peace, as the public good may be thought to require. Their powers and duties, and their duration in office, shall be regulated by law.

§ 18. An attorney general shall be appointed by the governor, by and with the advice and consent of the senate. He shall remain in office four years, and shall perform such duties as shall be required of him by law.

§ 19. All writs and process shall run, and all prosecutions shall be conducted, in the name of the "*State of Missouri*;" all writs shall be tested by the clerk of the court from which they shall be issued, and all indictments shall conclude, "*against the peace and dignity of the State.*"

ARTICLE VI.

Of Education.

Sec. 1. Education shall be encouraged—Legislature shall preserve lands from waste and damage.

2. University lands to be improved and funds properly applied.

§ 1. Schools and the means of education shall forever be encouraged in this state; and the general assembly shall take measures to preserve from waste and damage such lands as have been, or hereafter may be granted by the United States for the use of schools within each township in this state, and shall apply the funds which may arise from such lands in strict conformity to the object of the grant; one school or more shall be established in each township as soon as practicable and necessary, where the poor shall be taught gratis.

§ 2. The general assembly shall take measures for the improvement of such lands as have been, or hereafter may be granted by the United States to this state for the support of a seminary of learning; and the funds accruing from such lands by rent or lease, or in any other manner, or which may be obtained from any other source for the purposes aforesaid, shall be and remain a permanent fund to support a university for the promotion of literature, and of the arts and sciences; and it shall be the duty of the general assembly, as soon as may be, to provide effectual means for the improvement of such lands, and for the improvement and permanent security of the funds and endowments of such institution.

ARTICLE VII.

Of Internal Improvement.

Internal improvements shall be forever encouraged—roads and navigable waters to be provided for by law.

Internal improvement shall forever be encouraged by the govern-

ment of this state; and it shall be the duty of the general assembly, as soon as may be, to make provision by law for ascertaining the most proper objects of improvement in relation both to roads and navigable waters; and it shall also be their duty to provide by law for a systematic and economical application of the funds appropriated to those objects.

ARTICLE VIII.

Of Banks.

One Bank and five branches may be established and no more—capital stock not to exceed five million dollars.

The general assembly may incorporate one banking company, and no more, to be in operation at the same time.

The bank to be incorporated may have any number of branches not to exceed five, to be established by law; and not more than one branch shall be established at any one session of the general assembly. The capital stock of the bank to be incorporated shall never exceed five millions of dollars, at least one half of which shall be reserved for the use of the state.

ARTICLE IX.

Of the Militia.

- Sec. 1. Military officers how appointed and by whom.
 2. Of staff officers.
 3. Adjutant general.

§ 1. Field officers and company officers shall be elected by the persons subject to militia duty within their respective commands. Brigadiers general shall be elected by the field officers of their respective brigades; and majors general by the brigadiers and field officers of their respective divisions, until otherwise directed by law.

§ 2. General and field officers shall appoint their officers of the staff.

§ 3. The governor shall appoint an adjutant general, and all other militia officers whose appointments are not otherwise provided for in this constitution.

ARTICLE X.

Of Miscellaneous Provisions.

- Sec. 1. General assembly not to interfere with the disposal of the soil.
 2. Of navigation.

§ 1. The general assembly of this state shall never interfere with the primary disposal of the soil by the United States, nor with any regulation congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States, nor shall lands belonging to persons residing out of the limits of this state, ever be taxed higher than the lands belonging to persons residing within the state.

§ 2. The state shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said state, so far as the said river shall form a common boundary to the said state and any other state or states now, or hereafter to be formed, and bounded by the same; and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on, or within this state, shall be common high ways, and forever free to the citizens of this state and of the United States, without any tax, duty, impost or toll therefor imposed by the state.

ARTICLE XI.

Of the permanent Seat of Government.

- Sec. 1. Commissioners to be appointed.
 2. A site to be selected, within what limits.
 3. General assembly to determine the location.

§ 1. The general assembly at their first session, shall appoint five commissioners for the purpose of selecting a place for the permanent seat of government, whose duty it shall be to select four sections of the land of the United States which shall not have been exposed to public sale.

§ 2. If the commissioners believe the four sections of land so by them to be selected, be not a suitable and proper situation for the permanent seat of government, they shall select such other place as they deem most proper for that purpose; and report the same to the general assembly, at the time of making their report provided for in the first

section of this article; provided, that no place shall be selected which is not situated on the bank of the Missouri river, and within forty miles of the mouth of the river Osage.

§ 3. If the general assembly determine that the four sections of land which may be selected by authority of the first section of this article be a suitable and proper place for the permanent seat of government, the said commissioners shall lay out a town thereon, under the direction of the general assembly; but if the general assembly deem it most expedient to fix the permanent seat of government at the place to be selected by authority of the second section of this article, they shall so determine, and in that event shall authorize the said commissioners to purchase any quantity of land, not exceeding six hundred and forty acres, which may be necessary for the purpose aforesaid, and the place so selected shall be the permanent seat of government of this state from and after the first day of October, one thousand eight hundred and twenty-six.

§ 4. The general assembly, in selecting the above mentioned commissioners, shall choose one from each extreme part of the state, and one from the centre; and it shall require the concurrence of at least three of the commissioners to decide upon any part of the duties assigned them.

ARTICLE XII.

Mode of Amending the Constitution.

How amendments are to be proposed, and how ratified.

The general assembly may at any time propose such amendments to this constitution as two thirds of each house shall deem expedient, which shall be published in all the newspapers published in this state three several times, at least twelve months before the next general election; and if at the first session of the general assembly after such general election, two thirds of each house shall, by yeas and nays, ratify such proposed amendments, they shall be valid to all intents and purposes as parts of this constitution; provided, that such proposed amendments shall be read on three several days, in each house, as well when the same are proposed, as when they are finally ratified.

ARTICLE XIII.

Declaration of Rights.

- Sec. 1. Sovereign power vested in the people.
2. The people have sole right to alter or abolish the constitution.

3. Right of protection, bearing arms, &c.
4. Rights of conscience, religious opinions, &c.
5. Corporations.
6. Of elections.
7. Administration of justice.
8. Of trial by jury.
9. Rights of accused in criminal cases
10. No person to be twice tried for same offence.
11. Bail and habeus corpus.
12. Ball and fines
13. No search except on oath.
14. Prosecution for crimes by indictments.
15. Treason, evidence, conviction.
16. Freedom of speech and of the press.
17. Ex-post facto laws, &c.
18. Exemption from military duty.
19. Taxation.
20. Titles of nobility.
21. Of migration.
22. Military power shall be in subordination to civil power.

That the general, great and essential principles of free government may be recognized and established, WE DECLARE,

1. That all political power is vested in, and derived from the people:
 2. That the people of this state have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing the constitution and form of government, whenever it may be necessary to their safety and happiness:

3. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defence of themselves and of the state cannot be questioned.

4. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences: that no man can be compelled to erect, support or attend any place of worship, or to maintain any preacher of the gospel or teacher of religion; that no human authority can control or interfere with the right of conscience; that no person can ever be hurt, molested or restrained in his religious professions or sentiments, if he do not disturb others in their religious worship:

5. That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this state; that no preference can ever be given by law to any sect or mode of worship;

and that no religious corporation can ever be established in this state:

6. That all elections shall be free and equal:

7. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property or character; and that right and justice ought to be administered without sale, denial or delay; and that no private property ought to be taken or applied to public use, without just compensation:

8. That the right of trial by jury shall remain inviolate.

9. That in all criminal prosecutions, the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and, in prosecutions on presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused cannot be compelled to give evidence against himself, nor be deprived of life, liberty or property, but by the judgment of his peers, or the law of the land.

10. That no person, after having been once acquitted by a jury, can, for the same offence, be again put in jeopardy of life or limb; but if, in any criminal prosecution the jury be divided in opinion at the end of the term, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of such court:

11. That all persons shall be bailable by sufficient sureties, except for capital offences when the proof is evident or the presumption great; and the privileges of the writ of *habeas corpus* cannot be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

12. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted:

13. That the people ought to be secure in their persons, papers, houses, and effects, from unreasonable searches and seizures; no warrant to search any place, or to seize any person or thing, can issue, without describing the place to be searched, or the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation:

14. That no person can, for an indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or

public danger, or by leave of the court, for oppression or misdemeanor in office:

15. That treason against the state can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court: that no person can be attainted of treason or felony by the general assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend and vest as in cases of natural death; and when any person is killed by casualty, there ought to be no forfeiture by reason thereof:

16. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write and print on any subject, being responsible for the abuse of that liberty; and in all prosecutions for libels, the truth thereof may be given in evidence, and the jury may determine the law and the facts under the direction of the court:

17. That no ex-post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed, nor can the person of a debtor be imprisoned for a debt after he shall have surrendered his property for the benefit of his creditors, in such manner as may be prescribed by law:

18. That no person who is religiously scrupulous of bearing arms, can be compelled to do so, but may be compelled to pay an equivalent for military service, in such manner as shall be prescribed by law; and that no priest, preacher of the gospel, or teacher of any religious persuasion or sect, regularly ordained as such, be subject to military duty, or compelled to bear arms:

19. That all property subject to taxation in this state shall be taxed in proportion to its value:

20. That no title of nobility, hereditary emolument, privilege or distinction shall be granted, nor any office created, the duration of which shall be longer than the good behaviour of the officer appointed to fill the same:

21. That migration from this state cannot be prohibited:

22. That the military is, in all cases and at all times shall be, in strict subordination to the civil powers; that no soldier can, in time of

peacc, be quartered in any house without the consent of the owner,—nor in time of war, but in such manner as may be prescribed by law; nor can any appropriation for the support of an army be made for a longer period than two years.

SCHEDULE.

Sec 1. Writs, actions, &c. not affected by a change of government.

2. Territorial laws.

3. Of fines, &c.

4. Recognizances, bonds, criminal prosecutions, &c.

5. Of other officers.

6. Of first meeting of general assembly.

7. Apportionment of representation.

8. Senatorial districts.

9. Writs for first election.

10. Returns of votes for governor, &c.

11. Oath of Office.

12. Seal of state.

§ 1. That no inconvenience may arise from a change of government, we declare that all writs, actions, prosecutions, judgments, claims; and contracts of individuals, and of bodies corporate, shall continue as if no change had taken place; and all process which may, before the third Monday in September next, be issued under the authority of the territory of Missouri, shall be as valid as if issued in the name of the state.

§ 2. All laws now in force in the Territory of Missouri which are not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the general assembly.

§ 3. All fines, penalties, forfeitures and escheats accruing to the Territory of Missouri, shall accrue to the use of the state.

§ 4. All recognizances heretofore taken, or which may be taken before the third Monday in September next, shall remain valid, and shall pass over to, and may be prosecuted in the name of the state; and all bonds executed to the governor of the territory, or to any other officer or court in his official capacity, shall pass over to the governor or other proper state authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen, or which may arise before the third Monday in September next, and which shall then be depending, shall be prosecu-

ted to judgment and execution in the name of the state. All actions at law which are now, or which, on the third Monday in September next, may be depending in any of the courts of record in the Territory of Missouri, may be commenced in, or transferred to any court of record of the state, which shall have jurisdiction of the subject matter thereof; and all suits in equity may, in like manner, be commenced in, or transferred to the court of chancery.

§ 5. All officers civil and military, now holding commissions under authority of the United States, or of the Territory of Missouri, shall receive the same compensation which they have hitherto received, in proportion to the time they shall be so employed.

§ 6. The first meeting of the general assembly shall be at St. Louis, with power to adjourn to any other place; and the general assembly at the first session thereof, shall fix the seat of government until the first day of October, one thousand eight hundred and twenty-six; and the first session of the general assembly shall have power to fix the compensation of the members thereof, any thing in the constitution to the contrary notwithstanding.

§ 7. Until the first enumeration shall be made, as directed in this constitution, the county of Howard shall be entitled to eight representatives; the county of Cooper to four representatives; the county of Montgomery to two representatives; the county of Lincoln to one representative; the county of Pike to two representatives; the county of St Charles to three representatives; the county of St. Louis to six representatives; the county of Franklin to two representatives; the county of Jefferson to one representative; the county of Washington to two representatives; the county of Ste. Genevieve to four representatives; the county of Cape Girardeau to four representatives; the county of New Madrid to two representatives; the county of Madison to one representative; the county of Wayne to one representative; and that part of the county of Lawrence situated within this state, shall attach to, and form part of the county of Wayne until otherwise provided by law, and the sheriff of the county of Wayne shall appoint the Judges of the first election, and the place of holding the same, in the part thus attached: and any person who shall have resided within the limits of this state five months previous to the adoption of this constitution, and who shall be otherwise qualified as prescribed in the third section of the third article thereof, shall be eligible to the house of

representatives, any thing in this constitution to the contrary notwithstanding.

§ 8. For the first election of senators, the state shall be divided into districts, and the apportionment shall be as follows, that is to say: the counties of Howard and Cooper shall compose one district, and elect four senators; the counties of Montgomery and Franklin shall compose one district, and elect one senator; the county of St. Charles shall compose one district, and elect one senator; the counties of Lincoln and Pike shall compose one district, and elect one senator; the county of St. Louis shall compose one district, and elect two senators; the counties of Washington and Jefferson shall compose one district, and elect one senator; the county of Ste. Genevieve shall compose one district, and elect one senator; the counties of Madison and Wayne shall compose one district, and elect one senator; the counties of Cape Girardeau and New Madrid shall compose one district, and elect two senators; and in all cases where a senatorial district consists of more than one county, it shall be the duty of the clerk of the second county named in that district, to certify the returns of the senatorial election within their proper county to the clerk of the county first named, within five days after he shall have received the same; and any person who shall have resided within the limits of this state five months previous to the adoption of this constitution, and who shall be otherwise qualified as prescribed in the fifth section of the third article thereof, shall be eligible to the senate of this state, any thing in this constitution to the contrary notwithstanding.

§ 9. The president of the convention shall issue writs of election to the sheriffs of the several counties (or in case of vacancy to the coroners) requiring them to cause an election to be held on the fourth Monday in August next, for a governor, a lieutenant governor, a representative in the congress of the United States for the residue of the sixteenth congress; a representative for the seventeenth congress; senators and representatives for the general assembly, sheriffs and coroners; and the returns of all township elections held in pursuance thereof, shall be made to the clerk of the proper county within five days after the day of election; and any person who shall reside within the limits of this state at the time of the adoption of this constitution, and who shall be otherwise qualified as prescribed in the tenth section of the third article thereof, shall be deemed a qualified elector, any thing in this constitution to the contrary notwithstanding.

§ 10. The elections shall be conducted according to the existing laws of the Missouri territory. The clerks of the circuit courts of the several counties shall certify the returns of the election of governor and lieutenant governor, and transmit the same to the speaker of the house of representatives at the temporary seat of government, in such time that they may be received on the third Monday of September next. As soon as the general assembly shall be organized, the speaker of the house of representatives and the president *pro tempore* of the senate shall, in the presence of both houses, examine the returns, and declare who are duly elected to fill those offices, and if any two or more persons shall have an equal number of votes, and a higher number than any other person, the general assembly shall determine the election in the manner herein before provided: and the returns of the election for members of congress shall be made to the secretary of state within thirty days after the day of election.

§ 11. The oaths of office herein directed to be taken, may be administered by any judge or justice of the peace, until the general assembly shall otherwise direct.

§ 12. Until a seal of state be provided, the governor may use his private seal.

Done by the representatives of the people of Missouri, in convention assembled, at the town of Saint Louis, on the nineteenth day of July, in the year of our Lord one thousand eight hundred and twenty, and of the independence of the United States of America the forty-fifth.

DAVID BARTON,

President of the convention, and representative
from the county of St. Louis.

From the county of Cape Girardeau,

Stephen Byrd,	Alexander Buckner,
James Evans,	Joseph M'Ferron.
Richard M. Thomas,	

From the county of Cooper,

Robert P. Clark	William Lillard.
Robert Wallace,	

From the county of Franklin,

John G. Heath.

From the county of Howard,

Nicholas S. Burckhartt,	Jonathan S. Findlay,
Duff Green,	Benjamin H. Reeves.
John Ray,	

From the county of Jefferson,
S. Hammond,

From the county of Lincoln,
Malcom Henry.

From the county of Montgomery,
Jonathan Ramsay, James Talbott.

From the county of Madison,
Nathaniel Cook.

From the county of New-Madrid,
Robert D. Dawson, Cristopher G. Houts.

From the county of Pike,
Stephen Cleaver,

From the county of St. Charles;
Hiram B. Baber, Nathan Boone.
Benjamin Emmons.

From the county of Ste. Genevieve,
R. T. Brown, John D. Cook,
H. Dodge, John Scott.

From the county of St. Louis,
Edward Bates, Pierre Chouteau, Jun.
A. M'Nair, Bernard Pratte,
William Rector, Thomas F. Riddick.
John C. Sullivan,

From the county of Washington.
Jno. Rice Jones, John Hutchings.
Samuel Perry,

From the county of Wayne,
Elijah Bettis.

ATTEST, WM. G. PETTUS, *Secretary of the Convention.*

AMENDMENTS TO THE CONSTITUTION,

Proposed by the last General Assembly at their special session in June, one thousand eight hundred and twenty-one, and ratified by this General Assembly at their first session, begun and held at St. Charles, on the first Monday of November, one thousand eight hundred and twenty-two.

- Sec 1. Chancery courts.
2. Judiciary powers.
3. Compensation of judges.
4. U. S officers.
5. Salary of governor.
6. Salaries of judges.
7. Judges.

§ 1. The office of chancellor is hereby abolished, and the supreme court and circuit courts shall exercise chancery jurisdiction, in such manner and under such restriction as shall be prescribed by law.— Passed in senate—yeas fifteen, nays one; ratified by the house of representatives—yeas forty-six, nays five.

§ 2. The judicial power, as to matters of law and equity, shall be vested in a supreme court, in circuit courts, and in such inferior tribunals as the general assembly may, from time to time, ordain and establish; provided, the general assembly may establish a court or courts of chancery, and from time to time prescribe the jurisdiction, powers and duties thereof. Passed in senate—yeas fifteen, nays one; ratified by the house of representative—yeas forty-nine, nays two.

§ 3. The judges of the supreme court, and the judges of the circuit courts and chancellor, shall at stated times receive a compensation for their services, to be fixed by law. Passed in senate—yeas twelve nays four; ratified by the house of representatives—yeas forty-five, nays seven.

§ 4. No person holding an office of profit under the United States, and commissioned by the president, shall, during his continuance in such office, be eligible, appointed to, hold, or exercise, any office of profit under this state. Passed in senate—yeas sixteen; ratified by the house of representatives—yeas forty-nine, nays two.

§ 5. So much of the thirteenth section of the fourth article of the constitution of this state, as provides that the compensation of the governor shall never be less than two thousand dollars annually, shall be repealed. Passed in senate—yeas sixteen; ratified by the house of representatives—yeas fifty one.

§ 6. So much of the thirteenth section of the fifth article of the constitution of this state, as provides that the compensation of the judges of the supreme and circuit courts and chancellor shall never be less than two thousand dollars annually, shall be repealed. Passed in senate—yeas sixteen; ratified by the house of representatives—yeas fifty-one.

§ 7. The offices of the judges of the supreme court and of the judges of the circuit courts, shall expire at the end of the first session of the next general assembly of this state, or as soon as their successors are respectively elected and qualified. Passed in senate—yeas

fourteen, nays two; ratified by the house of representatives—years forty, nays eleven.

WILLIAM H. ASHLEY,
President of the Senate.

HENRY S. GEYER,
*Speaker of the House of Representatives, and
member from St. Louis county.*

MEMBERS OF THE SENATE.

John S. Ball,
William Biggs,
Joseph Bogy,
A. Buckner,
Abraham Byrd,
Bennet Clark,
Benjamin Emmons,
Dun Green,

David Jones,
David Logan,
James M'Allister,
Samuel Perry,
Benjamin H. Reeves,
James Talbot,
A. J. Williams,
B. Young.

BERNARD O'NEILL, *Secretary of the Senate.*

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Alfred Basye,
E. Bates,
Elijah Bettis,
George Burckhartt,
Nich's S. Burckhartt,
G. A. Bird,
Isaac Clark,
Simon Cockrell,
Nathaniel Cook,
Philip Cole,
Daniel Dunklin,
John English,
Jos. Evans,
Asa Finly,
Joseph Frizel,
B. Gooch,
John Hall,
Benj. F. Hickox,

John Miller,
Isidore Moore,
James W. Moss,
James North,
Jordan O'Bryan,
John O'Fallon,
Ignatius P. Owens,
Samuel C. Owens,
Jonathan Ramsay,
Stephen Rector,
James H. Relfe,
Edmund Rutter,
Felix Scott,
George H. Scripps,
Robert Simpson,
Philip Sitton,
Chauncey Smith,
Robert M. Stevenson,

Frederick Hyatt,
 William Johnson,
 Peter Journey,
 James Kegans,
 Richard Kerr,
 Henry Lane,
 Augustan Longan,
 S. B. M' Knight,

George Taylor,
 Stephen Trigg,
 Richard H. Waters,
 N. W. Watkins,
 Robert William Wells,
 D. C. Westerfield,
 Peter Wright.

THOMPSON DOUGLASS,
Clerk of the House of Representatives.

AMENDMENTS TO THE CONSTITUTION.

Proposed by the General Assembly, at *their last session*, begun and held at the City of Jefferson, on the third Monday of November, eighteen hundred and thirty-two, and ratified at *this session* of the General Assembly, begun and held at the City of Jefferson, on the third Monday of November, eighteen hundred and thirty-four.

§ 1. Offices of circuit court judges declared vacant on 1st of January, 1836.

§ 2. Part of the 15th section of the 5th article of the constitution abolished.

§ 3. Offices of the clerks of courts declared vacant on the first day of January, 1836. Circuit and county court clerks to be elected by the people.

§ 4. Boundary line of the state altered.

§ 5. Further alteration of boundaries.

§ 1. That the offices of the several judges of the circuit courts, within this state, shall be vacated on the first day of January, eighteen hundred and thirty-six.

Passed in senate, yeas fifteen, nays seven; ratified by the house of representatives, yeas forty-eight, nays twenty-three.

§ 2. That so much of the fifteenth section of the fifth article of the constitution of this state, as provides, that the courts respectively shall appoint their clerks, and that they shall hold their offices during good behaviour, shall be, and the same is hereby abolished.

Passed in senate, yeas fifteen, nays seven; ratified by the house of representatives, yeas fifty, nays twenty-one.

§ 3. That the offices of the clerks of the several courts within this state, shall be vacated on the first day of January, eighteen hundred and thirty-six, and the clerks of the circuit and county courts of the respective counties, shall be elected by the qualified electors of their respective counties, and shall hold their offices for the term of six years,

and until their successors are duly elected, commissioned and qualified.

Passed in senate, yeas fifteen, nays seven; ratified by the house of representatives, yeas forty-nine, nays twenty-two.

§ 4. That the boundary of the state be so altered and extended as to include all the tract of land lying on the north side of the Missouri river, and west of the present boundary of this state, so that the same shall be bounded on the south by the middle of the main channel of the Missouri river, and on the north by the present northern boundary line of the state, as established by the the constitution, when the same is continued in a right line to the west, or to include so much of said tract of land as congress may assent.

Passed in senate, yeas twenty-two, nays none; ratified by the house of representatives, yeas sixty-nine, nays two.

§ 5. That the boundaries of the state be so altered and enlarged as to include all the tract of land lying in the fork of the Mississippi and Des Moines rivers; so that the same shall be bounded on the north by the present northern boundary of the state, as established by the present constitution, when continued in a right line eastward to the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said river, &c.

Passed in senate, yeas twenty-two, nays none; ratified by the house of representatives, yeas, sixty-nine, nays two.

LILBURN W. BOGGS,

Lieut. Governor and President of the Senate.

JOHN JAMESON,

Speaker of the House of Representatives, and a member from Callaway county.

MEMBERS OF THE SENATE.

Daniel Ashby,
Franklin Cannon,
W. Lucas,
John Miller,
A. M. Robinson,
Ch's. C. Valle,
James H. Birch,
Julius Emmons,
John Matthews,

Hugh O'Neil, Jr.
Hans Smith,
W. K. Van Arsdall,
Abram Bird,
Andrew Goforth,
Abraham McClellan,
B. H. Reeves,
J. T. V. Thompson,
John D. Williams.

Attest,

W. B. NAPTON, *Secretary of the Senate.*

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Alonzo Abernathy,
 Hugh Barclay,
 George F. Bollinger,
 Matthew Caldwell,
 S. W. B. Carnegy,
 C. M. Cravens,
 M. W. Flournoy,
 H. S. Geyer,
 Thomas C. Gordon,
 Waller Head,
 John English,
 A. A. King,
 John Martin,
 Thomas Moseley, Jr.
 Jordan O. Bryan,
 George Penn,
 Wilson Primm,
 John P. Smith,
 George F. Strother,
 Thomas Watson,
 Morgan B. White,
 Corbin Alexander,
 Edward Bates,
 William Brown,
 William M. Campbell,
 Thomas Chilton,
 Clement Detchemendy,
 William Fort,
 Peter G. Glover,
 Benjamin Harrison,
 Aris Hudspeth,

David Jones,
 A. Leonard,
 Thomas C. Maupin,
 Clifton Mothershead,
 James D. Owen,
 W. C. Pollard,
 Owen Rawlins,
 Joseph Stevens,
 Jesse B. Thompson,
 Henry Watts,
 Henry C. Wright,
 David R. Atchison,
 John S. Besser,
 Lewellyn Brown,
 Charles Canole,
 R. D. Cowan,
 O. Dickerson,
 Richard Fristoe,
 John B. Gordon, (opposed.)
 John Harvey,
 Frederick Hyatt,
 Dabney Jones,
 Adam Mase,
 G. W. Miller,
 Smallwood V. Noland,
 D. C. M. Parsons,
 Henry Porter,
 John D. Shannon,
 Joseph M. Stevenson,
 N. W. Watkins,
 R. M. White.

Attest, J. B. BOWLIN, *C. Clerk of the House of Representatives.*

CHARTER
OF THE
CITY OF SAINT LOUIS.

An Act to incorporate the Inhabitants of the Town of St. Louis.

1. Incorporated limits of the city of St. Louis.
2. Inhabitants of St. Louis incorporated by the name of Mayor, Aldermen and citizens of the city of St. Louis.
3. Incidents to the corporation.
4. Mayor and Board of Aldermen to establish and regulate fire companies.
5. Powers of corporation, how vested.
6. Mayor, how elected—tenure of office
7. Qualifications of Mayor.
8. Who shall not be Mayor.
9. Mayors office in what case declared vacant.
10. Board of Aldermen to consist of three members from each ward.
11. Aldermen how chosen.
12. Qualifications of Aldermen.
13. Mayor or Aldermen ceasing to hold a freehold, office to become vacant.
14. Mayor and city officers, where they shall reside.
15. Mayor and Alderman ceasing to reside in the city, office to become vacant.
16. Board of Aldermen to decide the election of Mayor in case of a tie.
17. Judges of election to decide in case of a tie in the election of Aldermen.
18. Board of Aldermen to determine contested election of Mayor.
19. Vacancies in the Board of Aldermen, how filled.
20. Vacancy of Mayor's office how filled.
21. Mayor may be removed from office.
22. Mayor, his powers and duties defined.
23. Board of Aldermen to elect a President and perform specified duties.
24. Stated meeting of the Board of Aldermen to be prescribed.
25. Majority of Board to constitute a quorum.
26. Board may adjourn.
27. Mayor and five members may call special meetings of the board.
28. Special meeting called, cause to be stated.
29. Mayor and Aldermen conservators of the peace—their powers as such.
30. Mayor, Aldermen and justices of the peace—their power within the city, and their jurisdiction
31. Mayor's office vacant to be filled pro tem by the President of the Board.
32. Power of the Mayor and Board of Aldermen.
33. Ordinances to be approved by the Mayor.
34. Mayor not approving ordinances to return the same with his objections to the Board.
35. Ordinances not returned to the Board by the Mayor in three days, to become a law.
36. Style of Ordinances.
37. Ordinances to be published.

- 38 Ordinances how proven, and when received in evidence without proof.
39. Property taken for streets. compensation to be made to the owner.
40. Alleys to be opened, widened, or altered—proceedings
- 41 Owners of property petitioning to open, widen, or alter any street, lane, avenue, or alley—proceeding.
42. Juries empanelled to assess damages, how to act-
43. Mayor and Board of Aldermen empowered to enforce the payment of benefits assessed by a jury.
44. Mayor empowered to set aside verdict of jury.
45. Mayor and Board of Aldermen empowered to levy and collect special tax for paving—when
- 46 Mayor and Board to direct how property shall be sold for taxes.
47. Register to be appointed, his duties.
48. City constable to be appointed, his duties,
- 49 Register and constable, tenure of office.
50. Register and constable to give bond.
51. Each officer of the corporation to take oath.
- 52 General elections, when held.
53. Vote to be by ballot.
54. Qualification of voters
55. Disqualification of voters.
56. Inhabitants of St. Louis exempted from working on roads.
57. Moneys accruing from billiard tables, &c., how disposed of.
58. Statement of receipts and expenditures to be published.
59. Addition to the city, how made.
60. Property belonging to the city of St. Louis, how vested.
61. Rights of the town of St. Louis, how vested.
62. Acts of the Mayor and Board of Aldermen not invalidated.
63. Power of the General Assembly as to this charter.
64. This charter declared a public statute.
- 65 Repealing section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

1. All that district of country contained within the following limits to wit: beginning at a point in the middle of the main channel of the Mississippi river, due east of the southern end of a bridge across Mill creek, at the lower end of the town of St. Louis: thence due west to a point at which the western line of Seventh street, extended southwardly, will intersect the same: thence northwardly along the western side of Seventh street, and continuing on that course to a point due west of the northern side of Roy's tower: thence due east to the middle of the main channel of the Mississippi river: thence with the middle of the main channel of said river to the place of beginning; which was heretofore erected into a city by the name of the City of St. Louis, is hereby continued as a city by the name of the City of St. Louis.

2. The inhabitants of said city, heretofore constituted a body politic and corporate, by the name and style of the "Mayor, Aldermen and

Citizens of the City of St. Louis," and by that name, they and their successors shall be known in law, shall have perpetual succession, shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever: may purchase, receive and hold property, real and personal, within the said city; and may sell, lease, or dispose of the same, for the benefit of the city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead of the city: also for the erection of water works, to supply the city with water, and also for the establishment of a hospital for the reception of persons infected with contagious and other diseases; and may sell, lease, or dispose of such property, for the benefit of the city, and may do all other acts as natural persons: they shall have a common seal, and may break and alter the same at pleasure.

§ 3. The city shall be divided into four wards, the boundaries of which shall be fixed by ordinance, and may be changed from time to time, as the change in population may require, and the mayor and board of aldermen may establish new wards.

§ 4. The mayor and board of aldermen shall have power to organize and establish fire companies in the city, not exceeding one hundred members to each company, and the members thereof shall be exempt from performing militia duty in time of peace.

§ 5. The powers of the said corporation shall be vested in a mayor and board of aldermen.

§ 6. The mayor shall be elected by the voters of the city, and shall hold his office for the term of one year, and until his successor be duly elected and qualified.

§ 7. The mayor shall, at least, be thirty years of age, a citizen of the United States; shall have resided within the city for at least two years next preceding his election, and shall possess a freehold estate within the limits of the city.

§ 8. No person shall be mayor who, at the time of his election, shall hold any office, honor, trust, or profit, under the United States.

§ 9. If the mayor, during his continuance in office, shall receive any office of honor, trust, or profit, under the United States, his office of mayor shall thereby immediately become vacated.

§ 10. The board of aldermen shall, at all times, consist of three members from each ward of the city.

§ 11. The aldermen shall be chosen by the voters of each ward, and shall hold their offices for the term of one year, and until their successors be duly elected and qualified.

§ 12. Each alderman shall be at least twenty-one years of age, a citizen of the United States, an inhabitant of the city for the term of one year next preceding his election, and shall possess a freehold estate within the limits of the city.

§ 13. If the mayor, or any alderman, during his continuance in office, shall cease to possess a freehold estate within the limits of the city, his office shall immediately thereby become vacated.

§ 14. The mayor, aldermen, and all other officers of the city, shall, during their continuance in office, reside within the limits of the city.

§ 15. If the mayor, any alderman, or other officer of the corporation, shall cease to reside within the limits of the city, his office shall thereby immediately become vacated.

§ 16. When two or more persons shall have an equal number of votes for the office of mayor, the board of aldermen shall determine, by lot, which of such persons shall be mayor.

§ 17. Whenever there shall be a tie in the election of aldermen, the judges of election of the ward in which it shall happen, shall determine the same by lot.

§ 18. Whenever any election for mayor or alderman shall be contested, it shall be determined by the board of aldermen.

§ 19. All vacancies that shall occur in the board of aldermen, shall be filled by election in such manner as shall be provided by ordinance.

§ 20. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election in such manner as shall be provided by ordinance.

§ 21. The mayor may be removed from office for any misdemeanor in office, by a vote of two-thirds of all the members of the board of aldermen elected.

§ 22. The mayor shall have power to nominate, and with the concurrence of the board of aldermen, to appoint, all city officers not ordered by law or ordinance, to be otherwise appointed; he shall take care that the laws of the state and the ordinances of the city, are duly enforced, respected and observed, within the city: he may remit fines, forfeitures and penalties, accruing or owing from the violation of any ordinance of the city: he may fill all vacancies which may occur in any office, other than that of alderman, until the end of the session of

the board of aldermen, which shall next happen after the vacancy shall have occurred: he shall, from time to time, give to the board of aldermen, information relative to the state of the city, and shall recommend to their consideration, such measures as he shall deem expedient.

§ 23. The board of aldermen shall elect one of their own number to be president of the board: they shall appoint all such officers, servants and agents of the board, as they shall deem necessary for the transaction of business: they shall judge of the qualifications, elections and returns, of the members of the board: they shall make rules and regulations for the government of their own proceedings: they shall have power to compel the attendance of absent members on the meetings of the board: to punish members for disorderly conduct, and by a vote of two-thirds of all the members elected, to expel a member, but not a second time for the same offence: they shall cause a true and faithful record to be kept of all the acts and proceedings of the board, and at the desire of any member, shall cause the yeas and nays on any question to be entered therein.

§ 24. There shall be four stated meetings of the board of aldermen in every year, the time and places of which shall be prescribed by resolution or ordinance of the board.

§ 25. In all meetings of the board of aldermen, a majority of the whole number of members elected shall constitute a quorum to do business, but any smaller number may adjourn from day to day, and compel the attendance of absent members.

§ 26. At all meetings of the board of aldermen they may adjourn, and meet upon such adjournment.

§ 27. The mayor, or any five members of the board of aldermen, may call special meetings of the board of aldermen, by giving five days notice thereof, in writing, to the members of the board.

§ 28. Whenever a special meeting of the board of aldermen shall be called by the mayor, he shall state to them when assembled, the cause for which they have been assembled.

§ 29. The mayor and aldermen shall be conservators of the peace throughout the city, and shall have therein, all the powers and jurisdiction, now vested in justices of the peace, in matters of a criminal nature, and shall exercise all powers and perform all duties, which may be invested in, and required of them by ordinance.

§ 30. The mayor, aldermen, and each justice of the peace within the city, shall have jurisdiction of all cases arising under this act, and

under all ordinances of the city, subject however to an appeal, in all cases, to the circuit court of St. Louis county, and every such appeal shall be granted and taken in the same manner, as appeals are granted by, and taken from justices of the peace, to the circuit court, under the general law of the land.

§ 31. Whenever any vacancy shall happen in the office of mayor, the president of the board of aldermen shall exercise the duties and receive the compensation of mayor until such vacancy shall be filled.

§ 32. The mayor and board of aldermen shall have power, within the city, to levy and collect taxes, not exceeding one half of one per centum, upon all persons and property made taxable by law for state purposes; to make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city; they shall have power by ordinance, within the city, to establish hospitals; to make regulations to secure the general health of the inhabitants of the city; to prevent and remove nuisances; to divide the city into wards; to establish night watches and patrols; to erect lamps in the streets; to provide the city with water; to erect hydrants and pumps in the streets for the convenience of the inhabitants; to open, and keep in repair, streets, avenues, lanes, and alleys, within the city; and to establish, open, widen, and extend, all such streets, avenues, lanes, and alleys; to establish and repair bridges; to establish and regulate markets; to improve and preserve the navigation of the Mississippi river within the city; to erect, repair, and regulate public wharves and docks; to regulate the erecting of private wharves, and the rates of wharfrage at the same; to regulate the stationing, anchorage, and mooring of vessels within the city; to provide for the prevention and extinguishment of fires; to organize and establish fire companies; to establish standard weights and measures, and regulate the weights and measures to be used in the city, thereby, in all cases not otherwise provided for by law. To regulate the size of bricks to be made and used within the city; to regulate and order partition and parapet walls and partition fences; to regulate the cleaning of chimneys, and fix the fees therefor; to regulate the storage of gun powder, tar, pitch, rosin, hemp, cotton, and other combustible materials; to regulate the police of the city; to license, tax, and regulate auctioneers, merchants, retailers, grocers, ordinaries, taverns, coffee-houses, pawn-brokers, money-changers, hawkers, pedlers, wagons, carts, drays, theatrical, and other shows and amusements; to

restrain, prohibit, and tax tippling houses; to restrain and prohibit bawdy and other disorderly houses; the right to suppress gaming and gaming houses; the exclusive right to license, regulate, and restrain the keeping of ferries; the exclusive right to license, regulate, restrain, or suppress the keeping of billiard tables; to regulate the weight, quantity, and price of bread; to provide for the inspection of lumber and other building materials, to be sold or used in the city; to regulate the inspection of butter, lard, and other provisions; to provide for the inspection, weighing, and measuring of hay, stone-coal, and wood, and to regulate the sale of the same; to regulate the inspection of beef, pork, flour, corn-meal, and whiskey in barrels; the exclusive right to provide for the inspection of tobacco; to regulate the elections of city officers; to remove from office any person holding any office created by ordinance; to fix the compensation of all city officers; to fix the fees of jurors, witnesses, and others, for services rendered under this act, or any ordinance of this city; to provide for the payment of all expenses incurred in the performance of duties required by this act, or any ordinance of the city: to impose fines and forfeitures for the breach of any ordinance of the city, and to provide for the collection and appropriation thereof; to provide for taking the census and enumeration of the inhabitants of the city; to appoint all officers, servants, and agents, necessary to carry into effect the powers hereby granted.

§ 33. Every ordinance which the board of aldermen shall pass, before it becomes a law, shall be presented to the mayor for his approbation.

§ 34. If the Mayor shall not approve an ordinance presented to him for approbation, he shall return it to the board of aldermen with his objections, and the board shall reconsider the ordinance so returned, and if, after such reconsideration, a majority of the whole number of aldermen elected shall pass the ordinance, it shall become a law.

§ 35. If any ordinance shall not be returned to the board of aldermen, within three days after it shall have been delivered to the mayor for his approbation, it shall become a law in the same manner as if he had approved it.

§ 36. The style of the ordinances of the city shall be "*Be it ordained by the mayor and board of aldermen of the city of St. Louis.*"

§ 37. All ordinances passed by the board of aldermen, shall, within one month after they shall become a law, be published in some newspaper published in the city.

§ 38. All ordinances of the city may be proven by the seal of the corporation; and when printed and published in book form, and purporting to be printed by authority of the corporation, the same shall be received in evidence in all the courts and places without further proof.

§ 39. When it shall be necessary to take private property for opening, widening, or altering any public street, lane or avenue, the corporation shall make a just compensation therefor, to the person whose property is taken; and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of disinterested freeholders of the city.

§ 40. In opening, widening, or altering alleys through the blocks or squares of the city, the same proceedings shall be had as in the case of opening, widening, or altering public streets, lanes or avenues, with this addition, that the jury shall ascertain the amount of benefit that will accrue to the person whose property is taken, or to those who may have petitioned for the opening, widening, or altering of such alley.

§ 41. When the owners of all the property, on a street, lane, avenue or alley, proposed to be opened, widened, or altered, shall petition therefor; the mayor and board of aldermen may open, widen, or alter such street, lane, avenue or alley, upon conditions to be prescribed by them; but no compensation shall be made to those whose property shall be taken for the opening, widening, or altering such street, lane, avenue or alley; nor shall there be any assessment of the amount of benefit that may accrue thereby, to any of the petitioners.

§ 42. All jurors empanelled to enquire into the amount of damages or benefits which shall happen to the owner of property upon any street, lane, avenue or alley, proposed to be opened, widened, or altered, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror.

§ 43. The mayor and board of aldermen shall have power, by ordinance, to enforce the payment of all sums, which a jury shall declare to be the amount of benefits accruing to the owners of property upon any alley which shall be opened, widened or altered, if the owner be one of the petitioners for the opening, widening or altering of such alley.

§ 44. The mayor shall have power for good cause shown, within

ten days after the return to him of any inquest, to set the same aside and cause a new inquest to be made.

§ 45. Upon the application of the holders of two thirds of the front of the lots on any street or part of a street, it shall be lawful for the mayor and board of aldermen, by ordinance, to levy and collect a special tax on the holders of the lots on said street, or part of street, according to the respective fronts owned by them for the purpose of paving such street or part of street; and upon similar application, to levy and collect a tax in the same manner, for the purpose of lighting the streets.

§ 46. The mayor and board of aldermen shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale, or sold for taxes, by authority of the corporation, shall be redeemed.

§ 47. There shall be a city register, whose duty it shall be to keep a record of all the official acts of the mayor, and when necessary, to attest them. He shall perform the duties of clerk to the board of aldermen when in session; he shall keep a book or books wherein shall be entered all the proceedings of the board; he shall keep and preserve in his office all records, public papers, and documents belonging to the city; and he shall perform such other and further duties, as the board of aldermen may enjoin on them.

§ 48. There shall be a city constable, who shall possess within the city in matters of a criminal nature, arising under any law of the state, the same powers, perform the same duties, and receive the same compensation as the constable of St. Louis township; he shall execute and return all process issued by the mayor, any alderman or justice of the peace, under this act, or any ordinance of the city, and he shall perform all such other acts and duties as shall be enjoined on him by ordinance.

§ 49. The city register and city constable shall each hold his office for the term of one year, and until his successor shall be duly appointed and qualified; but he may sooner be removed from office for any misdemeanor, by a vote of two-thirds of the members of the board of aldermen elected.

§ 50. The city register and city constable shall each, before entering on the discharge of the duties of his office, give bond to the mayor, conditioned for the faithful discharge of the duties of his office.

§ 51. The mayor, each alderman, and each officer of the corporation, shall, before entering upon the discharge of the duties of his office, take and subscribe an oath or affirmation, before some judge or justice of the peace, that he will support the constitution of the United States, and of this state, and faithfully demean himself in office.

§ 52. A general election for all officers of the corporation required to be elected by this act, or by any ordinance of the city, shall be held on the first Monday of April in each year.

§ 53. At all elections for city officers, the voters shall vote by ballot.

§ 54. All free white male persons of the age of twenty-one years, who shall have resided within the city for twelve months next preceding the election, and who shall have paid a city tax, and all free white male inhabitants of this state, of the age of twenty-one years, who shall own any real estate within the city, and who shall have paid a city tax therefor, shall be entitled to vote at general elections for city officers.

§ 55. Persons disqualified to vote at general elections, shall not vote at city elections.

§ 56. The inhabitants of the city of St. Louis, are hereby exempted from working on any road or roads, beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

§ 57. The net amount of moneys accruing from the licensing of billiard tables and ferries, and all fines and forfeitures accruing for violations of ordinances concerning ferries, billiard tables, and the prevention or suppression of gaming, shall be appropriated and applied to the support of such hospital as now is, or may hereafter be established in or near the city, in such manner as the mayor and board of aldermen may from time to time direct.

§ 58. The board of aldermen shall cause to be published, annually, in some newspaper printed in this city, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

§ 59. Whenever any tract of land adjoining the city of St. Louis shall be laid off as a town into streets and lots, and a petition shall be presented to the board of aldermen of the city by the owners of the greater part of such tract of land, praying that the same may be annexed to and form a part of the city, the board of aldermen shall cause polls to be opened at the next general election for city officers, and require the

voters at the time of voting for city officers, to vote by ballot for or against the admission into the city, of the tract of land prayed to be annexed thereto; and if a majority of all those who vote at such election shall be in favor of such admission, such tract of land shall thenceforth become part and parcel of the city to all intents and purposes, and the board of aldermen shall cause the fact of such admission to be entered of record on the minutes of their proceedings.

§ 60. All property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees thereof, in their corporate capacity, shall be, and the same is declared to be vested in the "mayor, aldermen and citizens of the city of St. Louis."

§ 61. All actions, fines, penalties and forfeitures which have accrued to the inhabitants of the town of St. Louis, or the trustees thereof, in their corporate capacity, shall be vested in, and prosecuted for, by the "mayor, aldermen and citizens of the city of St. Louis."

§ 62. This charter shall not invalidate any act done by the "Mayor, aldermen and citizens of the city of St. Louis," nor divest them of any right which may have accrued to them prior to the passage of this act.

§ 63. The general assembly may at any time alter, amend, or repeal this charter.

§ 64. This act shall be deemed and taken as a public statute, and may be read and used in all courts and places, as all public laws are without proof.

§ 65. All acts or parts of acts, coming within the purview of this charter, or contrary to, or inconsistent with its provisions, are hereby repealed.

APPROVED, February 29, 1835.

ST. LOUIS COMMON.

An act to authorize the sale of the Saint Louis common.

- Sec. 1. Inhabitants of town of St. Louis at general election of 1835, to vote for or against sale of common, and as to the disposition or proceeds of sale.
2. In case owners of the common consent, mayor and board of aldermen to sell the same.
3. Board to cause the common to be surveyed and laid off into lots, with streets, lanes and avenues.
4. Board to cause lots so laid out to be sold at auction.
5. Purchaser not to pay purchase money, but five per cent. interest thereon.
6. At the end of 50 years lot to be assessed and purchaser to pay five per cent. interest thereon.
7. Interest unpaid for six months after due, board may annul the lease and again dispose of lot.

8. In ten years from day of sale of a lot, purchaser entitled to receive a deed in fee simple.
9. Upon sale, mayor and board to execute deeds in duplicate with certain provisions.
10. Purchaser refusing to execute duplicate deeds, lot may be sold again, and original purchaser to pay the difference, if any, in price.
11. Mayor and board to fix time, place and manner of sale, &c.
12. Notice of time and place of sale to be given.
13. Mayor and board empowered to compromise conflicting claims, and make provision for poor house.
14. Mayor and board empowered to adopt provisions to carry this act into effect.
15. This act a public statute.

Be it enacted by the general assembly of the state of Missouri, as follows:

§ 1. At the next general election for the mayor and aldermen, in the city of St. Louis, a separate poll shall be opened to determine whether the proprietors of the common of St. Louis consent to the sale of the same or not, and each free white owner of a lot or any part thereof, within the limits of the former town of St. Louis, as it was limited on the 13th day of June, 1812, of twenty-one years of age, and not disqualified to vote at general elections, and the guardians of such owners as may be under that age, shall be entitled to vote upon that question. And each voter shall state which of the following modes of disposing of the proceeds of the said common he prefers: *First*, That the one-tenth shall go to the board of the "President and directors of the St. Louis public schools," to be applied by them for the support of public schools in said city; the balance to be paid into the city treasury to be applied to city purposes. *Second*, The one-fourth shall go to the board of president and directors of the St. Louis public schools, to be applied by them to the support of public schools in said city; the balance to be paid into the city treasury to be applied to city purposes. *Third*, The one-half to go to the board of president and directors of the St. Louis public schools, to be applied by them to the support of public schools in said city; the balance to be paid into the city treasury, to be applied to city purposes: and the majority of votes given for either of the said modes shall decide; and the proceeds thereof shall be applied accordingly, and in no other manner.

§ 2. If a majority of such owners shall consent to the sale of the common, then the mayor and board of aldermen of the city of St. Louis are hereby authorized to sell the common belonging to the inhabitants of the city of St. Louis, in the manner, and upon the conditions hereinafter expressed.

§ 3. The board aforesaid shall cause the said common to be surveyed and laid off into lots not smaller than one acre, nor larger than forty acres, and at the time of the survey, shall lay out in said common such roads, lanes, streets or alleys, as they may deem necessary; and all roads, lanes, streets or alleys so laid out, are hereby declared to be reserved for public use. The mayor and board aforesaid shall cause a plat of said survey to be made out, and recorded in the office of the recorder of St. Louis county.

§ 4. The said board shall cause the lots so laid out, or such portion of them as they may think proper, to be sold at public auction to the highest bidder.

§ 5. Upon any sale so made, the purchaser shall not pay the amount which he has bid for any lot, but shall pay on the purchase money, an interest of *five* per cent. a year as a yearly rent.

§ 6. At the end of fifty years from the day of such sale, and every fifty years thereafter, then each lot sold as aforesaid, shall be assessed by the public assessor, and the purchaser shall then pay, as a yearly rent, *five* per cent. a year upon the value of the lots as aforesaid.

§ 7. Should the interest thus reserved remain unpaid for six months after the same shall become due, the said board may, by resolution to be entered of record in the minutes of their proceedings, annul the sale of the lot on which such interest shall have become due, and may again dispose of the same in the manner and under the conditions prescribed by this act.

§ 8. At the expiration of ten years from the day of sale of any lot, or at any time after the expiration of ten years from the day of sale of any lot, if the annual rent due thereon shall have been fully paid, the purchaser shall be entitled to receive a deed in fee simple for said lot, with special warranty only against the claim of the inhabitants of the city of St. Louis, and all persons claiming under them, upon his paying the amount which he had bid for said lot at the time of sale.

§ 9. Upon all sales made as aforesaid, it shall be the duty of the said mayor and board to execute and deliver to each purchaser, a deed for the lot purchased, which shall be executed in duplicate, in the manner in which deeds are usually executed by said mayor and board, shall be signed and acknowledged by the purchaser, and shall contain all the conditions of sale specified in this act, and such other provisions as the

said mayor and board may establish, to secure the payment and collection of the annual interest to be reserved as aforesaid.

§ 10. If the purchaser of any lot shall neglect or refuse to execute the duplicate deed, as required by the preceding section, the board of aldermen may again sell such lot, under the conditions and provisions of this act, and if it shall not then sell for as much as was bid therefor at the previous sale, the said board may recover the difference, with costs, by action of debt, before any justice of the peace of the township in which the defendant may reside, in the name of the mayor, aldermen and citizens of St. Louis, against the person neglecting or refusing as aforesaid.

§ 11. The mayor and board of aldermen are empowered to fix the time and place at which sales shall be made under the requirements of this act; to define the time and manner in which the annual interest to be paid by purchasers of lots, shall be collected, by what officer it shall be collected, and the compensation that he shall receive for his services in collecting.

§ 12. Before any sale shall be made under this act, it shall be the duty of the said board to cause notice of the time, place and terms of sale, to be published for at least four weeks successively, prior to the day of sale, in all the newspapers published in the city of St. Louis.

§ 13. The mayor and board of aldermen aforesaid are empowered to settle or compromise on the most advantageous terms, with all persons having claims within the common conflicting with the claims of the city of St. Louis. The mayor and board of aldermen are hereby empowered to grant in fee simple without any warranty, to the county of St. Louis, out of said common, a tract of land not exceeding in quantity one hundred acres, to be used by the county court of said county for the establishment of a poor house, under the provisions of act, entitled "an act to provide for the erection of a house for the employment and support of the poor in the county of St. Louis," approved, January the first, eighteen hundred and twenty-seven.

§ 14. The said mayor and board are hereby authorized to perform all such other acts as may be necessary to carry into effect the provisions of this act, according to the true intent and meaning thereof.

§ 15. This act shall be deemed and taken as a public statute, and may be read and used in all courts as other public laws, without proof.

APPROVED, March 18, 1835.

CITY ORDINANCES.

DUTY OF REGISTER.

An ordinance prescribing the duty of the register of the city of St. Louis.

- Sec. 1.** Register to keep a registry of appointments and commissions of officers—to cause ordinances to be printed and superintend printing of the same—to keep records of obligations and papers of the board of aldermen.
2. Register to receive no part of fines accruing to the city.
 3. Register to examine licences and report all offenders against the revenue laws.
 4. Office of Register, where kept, how long kept open, and his compensation.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of St. Louis,* That it shall be the duty of the register to keep an exact registry of all appointments and commissions of every officer of the corporation; to cause to be printed the ordinances passed by the board of aldermen, and approved by the mayor, within one month after their passage, and to superintend the proof sheet thereof; to keep, and preserve, whole, safe, and undefaced, all notes, bonds, evidence of debt, records of the board of aldermen, or official acts of the mayor which may come into his possession, and to deliver the same whenever required so to do by the mayor and aldermen, or their successors in office.

§ 2. *Be it further ordained,* That the said register shall not be entitled to receive for his own use, any part of the penalties or forfeitures which may be recovered from any offenders against any of the ordinances of the city.

§ 3. *Be it further ordained,* That it shall be the duty of the register to examine the licences of all keepers of retail groceries, liquor, and such other stores, shops, traders or occupations, as are now, or hereafter may be subject to taxation, for the use of the city; and should it appear to the said register, that the person or persons keeping such store or stores, shop or shops, or exercising any trade or occupation which may be taxed by the authority aforesaid, have not complied with the ordinances of the city for their regulations and government, the said register is required to cause suit to be instituted against all such offenders without delay.

§ 4. *And be it further ordained,* That the office of the register shall be kept in the town hall, and that the furnishing thereof shall be paid out of the city treasury. The register is further required to keep his

office open every day (Sundays excepted) from the hour of eight o'clock in the morning, until the hour of four o'clock in the evening, from the first day of March to the first day of December, and from nine o'clock in the morning until four o'clock in the evening, from the first day of December to the first day of March. He shall receive for his services as register, &c., the sum of four hundred dollars, to be paid in equal quarterly payments, out of any moneys in the treasury not otherwise appropriated.

This ordinance to take effect from and after the passage thereof.
Passed by the board of aldermen, March 14, 1835.

JAMES P. SPENCER, *President pro tem.*

APPROVED, 19th March, 1835.

JOHN W. JOHNSON, *Mayor.*

CITY ELECTIONS.

An ordinance dividing the city of St. Louis into wards, and regulating city elections.

- Sec. 1 Limits of the wards defined.
2. Each ward entitled to three aldermen.
 3. Judges and clerks of elections. how elected, their qualifications and duties—register to provide election rooms and give notice of election.
 4. Polls to be opened—votes to be counted and abstract returned to the board of aldermen.
 5. Abstract of votes to be returned to register, who shall give certificates of election to the persons elected.
 6. Compensation of Judges and clerks.
 7. Abstract of votes for mayor to be certified to board of aldermen—who shall cause the mayor elect to be notified thereof.
 8. Judges undertaking to act as such and failing, to be fined, except in certain cases—change of judges and clerks to be certified on poll books, and elections thus held declared valid.
 9. Vacancy in the board of aldermen, how filled.
 10. Non resident voters shall be sworn—rejected votes to be noted.
 11. Tie in the election of mayor to be decided by board.
 12. Election of mayor contested, proceedings.
 13. Election of aldermen contested, proceedings.
 14. Persons disqualified performing the duties of mayor or aldermen—how punished.
 15. Election of mayor contested previous to his being declared elected by the board, proceedings.
 16. Repealing clause.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of St. Louis, That all that part of the city which lies south of Elm streets*

shall constitute one ward, and shall be denominated the "First Ward." All that part of the city which lies north of said Elm street and south of Pine street, shall constitute one ward and be denominated the "Second Ward." All that part of the city which lies north of said Pine street and south of Laurel street and Washington Avenue, shall constitute one ward and be denominated the "Third Ward;" and all that part of the city which lies north of Laurel street and Washington avenue, shall constitute one ward and shall be denominated the "Fourth Ward."

§ 2. *Be it further ordained,* That at all general elections for city officers, each of the above designated wards shall be entitled to elect three aldermen from amongst the citizens residing in their respective wards, having the requisite qualifications.

§ 3. *Be it further ordained,* That the board of aldermen shall appoint two respectable citizens, householders, as judges of election in each ward, who shall before entering upon the duties of their appointment, take an oath faithfully and impartially to conduct such election according to law: and the said judges shall choose two suitable persons in their respective wards to act as clerks of said election, and in case any of the judges so appointed shall fail to attend or refuse to act, the remaining judge of the ward in which such failure or refusal may happen, shall have power to fill such vacancy: and if both the judges in all or any of the wards shall fail to attend or refuse to act on the day of any election, general or special, the electors present at the place appointed for holding the same, may appoint two judges to conduct such election, who shall possess the qualifications aforesaid; and it shall be the duty of the register to provide a suitable and proper room in each ward to hold the same election in, and to give public notice thereof at least ten days before any election for the purposes aforesaid.

§ 4. *Be it further ordained,* That at all elections for city officers, the polls shall be kept open from nine o'clock in the morning until six o'clock in the afternoon of the same day and no longer: and upon closing the polls, and not before, the judges shall immediately proceed to count the votes, and shall make out, or cause to be made, an abstract of the votes given in their respective wards for the office of mayor, setting forth at full length the names of the persons voted for, for mayor, and the number of votes given to each person for that office, and the judges of election of the several wards shall, between the hours of

eight o'clock in the afternoon of the day succeeding any such election, meet at the office of the register, and compare their abstract of votes for the office of mayor, and shall therefrom make a general abstract, which shall be signed and certified to the board of aldermen by at least one of the judges of election in each ward, and the said judges of election present shall seal up said general abstract or cause the same to be done in their presence, and shall forthwith deliver the same to the register, to be by him laid before the board of aldermen at their next meeting.

§ 5. *Be it further ordained,* That the judges of the several wards shall also make out, or cause to be made, a fair abstract of the votes given for each person as alderman within their respective wards, certified under their hands and attested by their clerks, setting forth at full length the names of the persons voted for as aldermen, and the number of votes given to each person for that office, and shall return the said abstract and poll books of all elections within three days after any such election shall be held, to the office of the register; and it shall be the duty of the register, without delay, to deliver or cause to be delivered to the persons who shall have had the highest number of votes therein for aldermen, a certificate of their election; and shall also return to the board of aldermen the abstract and poll books aforesaid at their first meeting thereafter.

§ 6. *Be it further ordained,* That there shall be paid to each of the judges and clerks of all city elections, the sum of two dollars and fifty cents, in full compensation for their services at each of said elections: and it shall be the duty of the register to certify the claims of the judges and clerks aforesaid, to the auditor, who shall thereupon issue his warrant upon the treasury therefor.

§ 7. *Be it further ordained,* That it shall be the duty of the register to lay before the board of aldermen, at their first meeting after the election for mayor shall have been held, the abstract of votes which shall have been delivered to him by the judges of election, as aforesaid, and the president of the board of aldermen shall open, or cause the same to be opened in their presence, and thereupon the board of aldermen shall, in such manner as they may, from time to time, by resolution or otherwise, order or direct, proceed to ascertain who is elected mayor of this city; and shall immediately thereafter cause the person so elected to be notified thereof; and on its being satisfactorily made known to them that the person so elected has quali-

fied according to law, they shall cause his predecessor to be notified thereof.

§ 8. *Be it further ordained,* That if any judge or clerk, after he should have undertaken to perform the duties pointed out in this ordinance, shall fail so to do, he shall forfeit and pay for the use of the city of St. Louis the sum of twenty-five dollars, to be recovered by action of debt, before any tribunal having jurisdiction thereof: *Provided, however,* that nothing herein contained shall be so construed as to impose the aforesaid penalty on any of the judges or clerks aforesaid, who may be prevented by sickness, inability or unavoidable accident from performing the duties assigned to them by this ordinance; *and provided, also,* that if any judge or clerk of election, who shall have undertaken to perform the duties thereof, shall, during such election, fail or refuse to continue so to do, the vacancy thus occasioned may be supplied in the same manner as is pointed out in this ordinance for the appointment of judges where those appointed by the board of aldermen have refused to act, or failed to attend; and any vacancy as to a clerk or clerks may be supplied by appointment of the judges, as they are authorized to do by the third section of this ordinance; and every such failure and appointment shall be certified on the poll books of such election, and returned as aforesaid; and all such elections, notwithstanding such change of judges or clerks conducting the same, shall be valid and effectual to all intents and purposes, as if the judges and clerks who had commenced so to do, had continued to discharge the duties assigned to them until the close thereof.

§ 9. *Be it further ordained,* That when any vacancy shall happen in the office of alderman, it shall be the duty of the mayor, without delay, to cause an election to be held in the ward in which the vacancy happened, giving at least ten days notice by proclamation, of the time and place of holding the election.

§ 10. *Be it further ordained,* That all persons not residents, but holding real estate within the limits of this city, and who have paid a city tax thereon, and are or may be entitled to vote for city officers, shall be required to take an oath that he has not voted, and will not vote in any other ward therein, at the then present election—and whenever any person who shall offer himself as a voter at any election, shall be excluded by the judges, they shall cause his name to be entered on the poll books as a rejected voter, and shall take

such rejected vote and keep it in a box, to be provided for that purpose.

§ 11. *Be it further ordained,* That should any two or more persons have an equal, and the highest number of votes given for mayor, the board of aldermen shall, as soon thereafter as may be practicable, proceed to determine said election, and the votes shall be given by ballot, and a majority of the whole number of aldermen elected shall be necessary for a choice.

§ 12. *Be it further ordained,* That whenever any person chooses to contest the election of mayor, he shall present a petition to the board of aldermen, setting forth the points on which he will contest the same, and the facts which he will prove in support of those points, and shall pray for leave to produce his proofs, when and where the board of aldermen will hear the same; and thereupon a vote shall be taken by yeas and nays, upon the said petition, whether the prayer thereof shall be granted, and if a majority of the members present shall be in the affirmative, the board of aldermen, or president thereof, at the option of the board, shall proceed to appoint a committee to examine into the matter; and the said committee shall inform, or cause the petitioner and person whose election is contested, to be informed when and where they will meet to hear the testimony to be adduced; the committee shall report the facts by them found to the board of aldermen, with their opinion thereon, and thereupon the board shall decide when they will consider the same; and in all proceedings in contested elections of mayor, a majority of the whole number of aldermen elected shall be necessary, except as herein before excepted.

§ 13. *Be it further ordained,* That contested elections of aldermen shall be conducted as near as may be practicable, in the same manner as contested elections of mayor.

§ 14. *Be it further ordained,* That if any person shall take upon himself to exercise or officiate in the office of mayor or alderman of this city, without being lawfully authorized thereto, or after the board of aldermen shall have determined that he was ineligible, or has not been duly elected, or in the case of an alderman who may have been expelled, declared not duly elected, or to be ineligible, he shall, upon conviction thereof, before the mayor, or any alderman or justice of the peace within the city, forfeit and pay for the use of the city of St. Louis, the sum of one hundred dollars for each and every offence, to be re-

covered by action of debt; and it is hereby made the duty of the register to prosecute for the same.

§ 15. *Be it further ordained*, That if the election of mayor, or any alderman, shall be contested previously to his having been declared duly elected by the board of aldermen, and the board shall determine that he has not been duly elected, or is ineligible, the mayor in office shall issue his proclamation, requiring an election to be held at such time as the board of aldermen shall advise, requiring another election for mayor or aldermen to be held, and should any person have been declared duly elected as mayor, and his election shall thereafter be contested, and the board of aldermen shall determine that he was ineligible at the time of his election, or was not duly elected, the duties required of the mayor in office by this section, shall be performed and discharged by the president of the board of aldermen.

§ 16. *And be it further ordained*, That all ordinances and parts of ordinances heretofore in force, in this city, on the subject of elections, be and the same are hereby repealed.

Passed by the board of aldermen, March 19, 1835.

JAMES P. SPENCER, *President pro tem.*

APPROVED, March 21, 1835.

JNO. W. JOHNSON, *Mayor.*

FREE NEGROES AND MULATTOES.

An ordinance concerning free negroes and mulattoes.

- SEC. 1. Register to keep list of free negroes and mulattoes.
 2. City constable to enforce the acts of the general assembly on the subject of free negroes and mulattoes.

§ *Be it ordained by the mayor and board of aldermen of the city of St. Louis*, That the register shall keep in a book, to be by him provided for that purpose, a list of the names of all free negroes and mulattoes, who shall exhibit before him sufficient proof of their having resided in this state prior to the seventh day of January, eighteen hundred & twenty-five, and also a description of their age, sex, and occupation, together with the names of the white persons who may have proved the residence of such negroes or mulattoes; and it shall also be the duty of the said register, if required, to deliver to every negro or mulatto, whose residence shall have been proved as aforesaid, a certified copy of such

proof and description, on the payment to him of one dollar, as a fee for making out the same.

§ 2. *Be it further ordained*, That it shall be, and is hereby made the special duty of the city constable to cause to be enforced, within this city, an act of the general assembly of this state, passed January seventh, one thousand eight hundred and twenty-five, entitled, "An act concerning negroes and mulattoes," by causing all such free negroes and mulattoes who may not have been registered as required by this ordinance, to be arrested and taken before the mayor, or any alderman of this city, or justice of the peace within said city, to be dealt with as is in the act of the general assembly aforesaid prescribed.

This ordinance to take effect and be in force from and after the passage thereof.

Passed by the board of aldermen, March 14, 1835.

JAMES P. SPENCER, *President pro tem.*

APPROVED, March 18, 1835.

JNO. W. JOHNSON, *Mayor.*

GAUGING AND INSPECTING DOMESTIC LIQUORS.

An ordinance establishing and regulating the gauging and inspecting of domestic liquors.

- SEC. 1 Gauger of domestic liquors to be appointed—tenure of office.
2. Gauger to provide instruments of his craft and to perform duties of his office.
 3. Penalty on persons defacing marks of gauger.
 4. Fees of gauger.
 5. Penalty on persons selling uninspected liquors.
 6. Act to be in force from and after its passage.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of St. Louis*, That there shall be appointed in April next, a gauger of domestic liquors, who shall hold his office for one year, and until his successor is duly appointed and qualified, and who shall, within ten days after his appointment, enter upon the discharge of the duties of said office; and the person so appointed may be removed from office at any time by resolution of the board of aldermen, adopted by a majority of the whole number of members elected; and in case any vacancy shall occur at any time by death, removal, or resignation, the same shall be supplied by new appointment.

§ 2. That it shall be the duty of the gauger and inspector so appointed, to provide himself with the common and most approved instruments of ascertaining the capacity of a barrel or other cask, and the quality or proof of spirituous liquor, and when called upon for that purpose, immediately to attend with the same, in any part of the city, and there gauge or ascertain the contents of any barrel or cask of spirits, and examine the quality or proof thereof, and mark on such barrel or cask, the true quantity contained therein in wine gallons, and the quality or proof of such spirits, together with the name of the inspector and the place of inspection; and the said inspector shall, once in every three months, report to the board of aldermen, the whole number of barrels or other casks of spirits which shall have been inspected, and the whole amount of fees or compensation received by him respectively.

§ 3. That if any person shall alter, deface, or change any of the marks made by the inspector and gauger aforesaid, on any barrel or cask of spirits, with the intent to defraud any purchaser thereof, every person so offending shall, for every such offence, on conviction thereof before the mayor, aldermen, or any justice of the peace within and for the city of St. Louis, forfeit and pay to the city, one hundred dollars.

§ 4. That the said inspector, for services performed by him, shall be entitled to demand and receive from the person or persons calling upon or employing him as aforesaid, compensation respectively as follows, viz: For gauging or inspecting a single barrel or other cask of spirits, eighteen and three-fourth cents: when the number of barrels or casks gauged or inspected in one parcel exceeds one, and is less than five, for each barrel or other cask, twelve and a half cents: when the number in one parcel exceeds five, six cents; and if such gauger or inspector shall demand or receive any higher or greater fees or compensation than is herein provided for, he shall, for every such offence, on complaint of any person aggrieved, and on conviction thereof, forfeit and pay to the city, fifty dollars.

§ 5. That if any person or persons shall export or sell any barrel or barrels, cask or casks of spirits, not regularly inspected and gauged as above provided, he or they shall, on conviction thereof, forfeit and pay to the city, one hundred dollars.

§ 6. This ordinance to be in full force from and after its passage.

Passed by the board of aldermen, March, 14, 1835.

JAMES P. SPENCER, *President pro tem.*

APPROVED, March 18, 1835.

JOHN W. JOHNSON, *Mayor.*

INSPECTION OF FLOUR, BEEF, PORK, &C.

An ordinance to establish and regulate the inspection of flour, beef, pork, &c., within the city of St. Louis.

- Sec. 1. Inspector of beef, pork, &c. to be appointed.
2. Inspector to take oath—may appoint deputy.
3. No flour, beef or pork to be sold unless inspected.
4. Owners of flour, salted beef or pork, to notify inspector—fees of inspector—penalty on inspector for receiving greater fees than allowed by law.
5. Barrels of flour to contain one hundred and ninety six pounds, and to be branded according to quality.
6. Inspector to provide barrel auger—if flour intermixed, owners to forfeit a penalty.
7. Beef and pork barrels to be of a particular kind and name of maker and weight to be branded thereon.
8. Pork to be inspected and branded according to its quality and class.
9. Beef to be of a particular kind—how classed and salted.
10. Penalty on persons intermixing, shifting or exchanging flour, beef or pork inspected and branded.
11. Inspected beef or pork not to be sold after four months from day of inspection, unless re-inspected.
12. Inspected beef or pork not to be exposed to sun or bad weather.
13. Tainted beef or pork to be destroyed by inspector.
14. Penalty on inspector if guilty of neglect or fraud.
15. Inspector or deputies not to purchase flour, beef or pork, more than is sufficient for his or their family.
16. Fines, penalties and forfeitures, before whom recoverable.
17. Flour, beef and pork put up in barrels in the city, subject to inspection—proviso.
18. Duty of inspector to inquire into the violation of this ordinance, and give information thereof.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of St. Louis, That there shall be appointed by the board of aldermen, by and with the advice and consent of the mayor, one person as inspector of beef, pork and flour, for the city of St. Louis, who shall hold his office for the term of one year, and until his successor be duly appointed and qualified, Provided, however, that such inspector may at any time be removed from office for cause shewn, by a majority of the aldermen elected.*

§ 2. *Be it further ordained, That the inspector appointed in pursuance of this ordinance, shall, before he enters upon the duties of his*

office, take and subscribe before some judge or justice of the peace, the oath of office required by law; and the said inspector shall have the right to appoint a deputy or deputies, who shall also take the oath of office before he, or they, enter upon the duties thereof, and for whose acts as such, the said inspector shall be held responsible. And the said inspector and his deputies shall immediately thereafter, file the oath of office, and the certificate thereof, with the register of this city.

§ 3. *Be it further ordained,* That no owner or owners, or agents for the sale of flour, salted pork or beef, in barrels, shall offer the same for sale within this city, until it shall have been inspected in the manner hereinafter directed, under the penalty of twenty-five dollars for each and every such offence.

§ 4. *Be it further ordained,* That the owner or owners, or agents of flour, salted beef or pork, brought into the city of St. Louis, and intended for sale therein, are hereby required to give notice to the said inspector or his deputy, that the same may be inspected; and for every such inspection, the said inspector shall be entitled to receive six and a fourth cents for every barrel or half barrel of flour, and for every barrel of pork, or beef, he shall inspect, twenty-five cents, and for every half barrel, eighteen and three-fourth cents, beside the price of the salt, saltpetre and other extra services. And the said inspector shall not be entitled to receive more than at the rate aforesaid, under the penalty of fifty dollars for each and every such offence—one half for the use of the informer, and the other half to the use of the city of St. Louis.

§ 5. *Be it further ordained,* That each barrel of flour shall contain one hundred and ninety-six pounds of flour, and if intended for the first quality, shall be branded "Superfine;" and on each barrel intended for the second quality shall be branded "Fine;" and on each barrel intended for the third quality shall be branded "Middlings."

§ 6. *Be it further ordained,* That the said inspector shall provide himself with a barrel auger, not to exceed seven-eighths of an inch in thickness in the barrel, with which each barrel of flour shall be bored into, so as to satisfy himself of the quality of the flour; and if any flour shall, on examination, be found to contain a mixture of Indian corn meal, or any other mixture, the person in whose possession the same may be, shall forfeit and pay the sum of five dollars for each and every

such offence, and the barrel with its contents, shall be liable for the payment thereof.

§ 7. *Be it further ordained,* That all barrels containing salted beef or pork, shall be made of good seasoned white oak or ash, free from any defect, and every barrel shall contain two hundred pounds of beef or pork, the barrel not to measure more than eighteen inches across the head, and twenty-eight inches long, to be hooped with at least twelve substantial hoops, the barrel to be branded on the bilge with at least the initials of the cooper's name, and the weight which is contained in each barrel to be plainly branded on the barrel with the first letter of the Christian name and the sir name at full length of the inspector.

§ 8. *Be it further ordained,* That all pork shall be carefully inspected, and the inspector shall not brand any but such as shall be well corn fattened; the best quality shall be denominated "Mess Pork," and shall consist of none but the sides of good fat hogs, and the barrels containing it, shall be branded at one end of the heads "Mess Pork;" and the second quality shall be denominated "Prime," of which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint, and shall not contain more than twenty-four pounds of head, which shall have ears and snout cut off at the opening of the jaws, and the brains and bloody gristle taken out; and the rest of the pork, to constitute a barrel of prime pork, shall be made up of sides, necks, and tail pieces, and on one head of every barrel of such pork shall be branded, "Prime Pork;" the third quality of pork shall be denominated "Cargo Pork," of which there shall not be in a barrel more than thirty pounds of head and four shoulders, and shall otherwise be merchantable pork, and shall be branded on one head of each barrel, "Cargo Pork."

§ 9. *Be it further ordained,* That all beef shall be of fat cattle, and shall be cut into pieces as square as may be, and shall not exceed twelve, nor be less than four pounds weight; and all beef which shall be fat and merchantable, shall be sorted and divided into three different classes, to be denominated mess, prime and cargo. Mess shall consist of the choicest pieces of large, well fattened beef, without hocks, shanks, clods, or necks, and to be branded on one head, "Mess Beef." Prime beef shall consist of the choicest pieces of fat cattle, with not more than one half of a neck, nor more than two flanks, and the hocks, to be cut off the hind legs, in the smallest place above the joint, in a barrel, and

to be branded "Prime Beef," on one head. Cargo beef shall be of fat cattle, with a proportion of good pieces, and not more than one half of a neck, nor more than three flanks, and the hocks cut off in the same manner as in prime, in a barrel, and to be otherwise merchantable, and to be branded "Cargo Beef." And there shall not be less than two pecks of coarse salt, and a sufficiency of salt petre, in each barrel, and to be filled with pickle as strong as salt can make it.

§ 10. *Be it further ordained,* That if any person shall intermix, take out, or shift any flour, beef or pork, packed and branded as directed by this ordinance, or put in any other flour, beef or pork, for sale or exportation, or alter, change or deface any brand or mark of the inspector, contrary to the true intent and meaning of this ordinance, each and every person so offending shall, for each and every offence, forfeit and pay the sum of five hundred dollars—one half for the use of the informer, and the other half for the use of the city.

§ 11. *Be it further ordained,* That no salted beef or pork in barrels, which shall have been inspected within this city, shall be exported therefrom after the same shall have been inspected four months, unless the same shall have been reinspected, nor without procuring from the inspector, a certificate that such beef or pork has been inspected and branded according to the ordinance of this city, under the penalty of five dollars for each and every barrel thus exported or shipped.

§ 12. *Be it further ordained,* That no owner or seller of beef or pork shall, after the same has been inspected, suffer it to remain more than twenty-four hours exposed to the sun or bad weather.

§ 13. *Be it further ordained,* That if upon the inspection of any pork or beef, the same shall be tainted or spoiled, the same shall be condemned and destroyed by the order and under the superintendence of the inspector.

§ 14. *Be it further ordained,* That if the inspector shall be guilty of neglect or fraud, or do any thing contrary to the true intent and meaning of this ordinance, he shall be liable to a fine of fifty dollars—the one half to the use of the informer, the other half to the use of the city.

§ 15. *Be it further ordained,* That the said inspector, or his deputies, shall not under any pretence whatever, purchase a greater quantity of flour, beef or pork, than will be sufficient for his or their own

immediate family use. Nor shall he or they engage in selling the same in any manner or under any pretence whatever, under the penalty of fifty dollars.

§ 16. *Be it further ordained*, That all fines, forfeitures and penalties herein imposed, shall be recoverable before the mayor, any alderman or justice of the peace within this city.

§ 17. *And be it further ordained*, That all flour, salted beef, or pork, made, manufactured, or put up in barrels or half barrels, within the limits of the city of St. Louis, shall be deemed and considered flour, salted beef and pork, within the meaning of, and shall be subject to the provisions of this ordinance; *Provided, however*, That all manufactories of flour within the city shall be privileged to export and ship the same, without inspection.

§ 18. *Be it further ordained*, That it shall be the duty of the inspector of flour, beef and pork, for the city of St. Louis, to make diligent inquiry after all violations of this ordinance, and to give information of all breaches thereof, without delay, to the city register; and the said inspector shall, in like manner, give information as aforesaid, of all violations of the ordinances of the city, regulating licences to venders of merchandise; and it shall be the duty of the city register to cause suits to be instituted against all offenders, immediately after the receipt of information as aforesaid.

Passed by the board of aldermen, March 14, 1835.

JAMES P. SPENCER, *President pro tem.*

APPROVED, 19th March, 1835.

JOHN W. JOHNSON, *Mayor.*

WEIGHERS OF HAY AND STONE COAL.

An ordinance providing for the appointment of the weighers of hay and stone coal, and for other purposes.

- Sec. 1. Weighers of Hay and stone coal to be appointed—to take oath and give bond.
2. In case of vacancy, how filled.
3. Weighers may appoint deputies.
4. Compensation of weighers.
5. Persons bringing hay or stone coal to have the same weighed—penalty in cases of failure.
6. Weighers to keep an office and perform specified duties
7. Penalty on persons diminishing the quantity of hay or stone coal that has been weighed and selling the same.

8. Weighers to register the number of loads of hay and coal by them weighed, and render an account thereof.
9. Weighers guilty of neglect or fraud--penalty.
10. Weighers not to purchase hay or coal, more than sufficient for their families.
11. Board empowered to regulate the price of weighing by resolution.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of, St. Louis,* That on the first Monday of May, in each and every year, the mayor shall nominate, and by and with the advice and consent of the board of aldermen, appoint some free white male resident of this city, one for each public scale now erected or hereafter to be erected, to serve as weigher of hay and stone coal, who shall each hold his office for the term of one year, and until a successor be appointed and qualified, and who, before he enters upon the duties of his office, shall take and subscribe the oath of office prescribed by law, and shall moreover, give bond and security, to be approved of by the mayor, in the sum of one thousand dollars, conditioned for the faithful discharge of the duties of his office, which bond and oath of office shall be filed in the office of the city register.

§ 2. *Be it further ordained,* That in case of the death, resignation, or removal from office of any of the said weighers, it shall be the duty of the mayor, immediately thereafter, by appointment, to fill such vacancy, and the person so appointed shall remain in office, in virtue thereof, until the end of the next meeting of the board of aldermen, and until a successor is duly appointed and qualified; and it shall be the duty of the mayor, at the first meeting of the board of aldermen after any vacancy shall have occurred, to nominate for their approval some qualified person to fill such vacancy. *Provided,* That should the mayor neglect or refuse to make such nomination for two meetings of the board of aldermen, then the said board may proceed to fill such vacancy by ballot, at such time as they may think proper, without the concurrence of the mayor.

§ 3. *Be it further ordained,* That the said weighers shall have power, by and with the approbation of the mayor, to appoint one or more deputies, who shall possess the like qualifications, and take the like oath, as their principal, and shall have power and authority (in the name of their principal) to do and perform the several acts and duties required of the weighers; and the said weighers shall be responsible for the conduct of their deputies as for their own act.

§ 4. *Be it further ordained,* That the said weighers shall be entitled to receive, in full compensation for their services, at the rate of

three hundred dollars per annum, to be paid quarterly on the first Mondays of January, April, July and October, in each and every year, which shall be paid out of the moneys received from weighing: *Provided, however,* That if the moneys received therefor should prove insufficient, then the balance shall be paid from the city treasury, out of any moneys not otherwise appropriated.

§ 5. *Be it further ordained,* That it shall be the duty of each and every person who shall at any time, bring into this city, either by land or water, any hay or stone coal, for the purpose of selling the same, to cause the same to be weighed by the person appointed for that purpose, at either of the scales erected by the city for the purpose of weighing hay and stone coal; and any person who shall purchase or sell any hay or stone coal, without having the same weighed as directed by this ordinance, shall forfeit and pay, for the use of the city of St. Louis, the sum of five dollars for each and every cart load or wagon load so purchased or sold, to be recovered by action of debt, before the mayor or any alderman or justice of the peace within this city.

§ 6. *Be it further ordained,* That the weighers aforesaid shall keep an office, which shall be as near to the place where the scales before mentioned shall be erected as may be practicable, which shall be kept open from sunrise in the morning until sunset in the evening, on each and every day, Sunday's excepted; and it shall be the duty of said weighers immediately on application of any person having stone coal or hay for sale, to weigh the same; and he shall also deliver a certificate subscribed by him, shewing the net weight thereof, to the person who shall have had the same weighed; and for weighing every wagon load, or part of a load of hay or coal, the said weigher shall be entitled to receive the sum of twenty-five cents, and for each and every cart load or part of a load of either of the said articles, shall be entitled to receive the sum of twelve and a half cents, to be paid by the person who shall have caused or requested said weighing to be performed.

§. 7. *Be it further ordained,* That if any person or persons who shall have coal or hay weighed as aforesaid, shall sell or dispose of any portion thereof, or in any manner or way whatever wilfully diminish the same in quantity, or suffer or procure the same to be done with intent to deceive or defraud, any person so offending shall forfeit and pay for each and every offence, the sum of ten dollars, for the use of the city of St. Louis, to be recovered before the mayor, or any alderman or justice of the peace within this city.

§ 8. *Be it further ordained,* That it shall be the duty of the weighers to keep a book, or books, in which they shall make accurate entries of the number of loads weighed, whether wagon or cart loads, of hay or coal; the quantity in each load as ascertained by them; the time when the load was weighed, and the amount charged for weighing the same; and the said weighers shall, on the first Mondays of January, April, July and October, in each and every year, return to the auditor of the city of St. Louis, an abstract, showing the aggregate amount of hay and coal weighed, the whole amount of moneys received, or which ought to have been received by him, for the period mentioned therein; and the auditor shall examine such return, and settle and adjust the same; and the said weigher shall, immediately thereafter, pay over to the treasurer of the city, the whole amount of moneys which shall appear to be due on settlement as aforesaid; and the said treasurer shall thereupon, give duplicate receipts therefor, one of which shall be delivered by the weigher to the auditor, and the other he shall place on file in his office; and the said books and papers belonging to the office of the weigher, shall at all times, during office hours, be subject to the inspection of the mayor of this city, or any alderman thereof.

§ 9. *Be it further ordained,* That if the said weigher shall wilfully neglect or refuse to perform any of the duties required of him by ordinance or resolution, or shall be guilty of any oppression or extortion in the discharge of his official duties, he shall forfeit and pay, for each and every offence, the sum of fifty dollars, to be recovered by action of debt, for the use of the city of St. Louis, before the mayor or any alderman or justice of the peace within said city; and the said weigher may, moreover, at any time, for cause shewn, and on notice thereof, be removed from office by a majority of the whole number of aldermen elected.

§ 10. *Be it further ordained,* That the said weigher, or his deputies, shall not, under any pretence, whatever, purchase a greater quantity of hay, or stone coal, than will be sufficient for their own immediate family use, nor shall he or they, engage in selling the same, in any manner or under any pretence whatever, under the penalty of twenty dollars for each offence, to be recovered by action of debt, before the mayor or any alderman or justice of the peace within this city.

§ 11. *Be it further ordained,* That the board of aldermen may, at any time, alter and regulate the price of weighing by resolution.

This ordinance shall take effect and be in force from and after the passage thereof.

Passed by the board of aldermen, March 14, 1835.

JAMES P. SPENCER, *President pro tem.*

APPROVED, March 18, 1835.

JNO. W. JOHNSON, *Mayor.*

SUPPRESSION OF RIOTS, ROUTS. &c.

An ordinance to suppress riots, routs, and unlawful assemblies.

- Sec. 1.** Persons guilty of riotous conduct to be required to appear before the circuit court.
- 2.** Persons refusing to enter into recognizance, to be committed, and give security to the corporation for their good behavior.
- 3.** Persons failing to give security for good behavior, to be fined.
- 4.** Persons disturbing the peace to be fined, and give recognizance to appear before the circuit court.
- 5.** Constable and his deputies to arrest, without warrant, offenders against this ordinance, and to deal with them in the manner pointed out by this ordinance.
- 6.** Constable, of his knowledge, in the night time, cognizant of breaches of this ordinance, to arrest offenders.
- 7.** Constable may call to his aid, the posse comitatus.
- 8.** Penalty on persons failing to aid the constable when called on.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of St. Louis,* That whenever three or more persons shall assemble together within the city of St. Louis, with an intent to do any unlawful act with force or violence against the person or property of another, or to do any other unlawful act against the public peace and to the terror of the people, or to do any act against the peace, security or public repose and quiet of the people within said city; or, being lawfully assembled, shall agree with each other to do any unlawful act as aforesaid, and shall make any movement or preparation therefor, or being so lawfully assembled shall without any agreement in words or signs, make any movements or preparations to do any unlawful act as aforesaid, or shall actually do such act, all persons present at such meeting or assembly, and who shall not dissuade or attempt to influence others from the commission or perpetration of such unlawful act, shall be deemed guilty of a misdemeanor and breach of the peace, and upon proof thereof being made before the mayor, any alderman of said city, or before any justice of the peace within said city, such offenders shall be recognized by said mayor, alderman, or justice in a sufficient sum to secure his, her or their appearance at the next term of the cir-

cuit court, or the first day of the ensuing term thereof, by such mayor, alderman, or justice.

§ 2. If such offender shall neglect or refuse to enter into sufficient recognizance before said mayor, alderman or justice, said mayor, alderman or justice, shall commit such offender to the jail of the county until such recognizance shall be given; and moreover such offender shall enter into a recognizance before said mayor, alderman or justice, with security in any sum not exceeding five hundred dollars, to the mayor, aldermen and citizens of the city of St. Louis, conditioned for his orderly and good behavior for the space of one year within said city.

§ 3. If any offender shall neglect or refuse to enter into such recognizance for his orderly and good behavior as aforesaid, such offender shall be fined in any sum not exceeding fifty dollars, which fine shall be imposed by said mayor, alderman, or justice, and shall be collected as other fines are, or shall be by ordinance directed.

§ 4. That if any person or persons shall within said city wilfully disturb the peace or quiet of any street, lane, alley, or neighborhood, or any private family or person by loud and unusual noise, by blowing horns, trumpets, or other instruments or engines, by the rattling of drums, tambourines, kettles, pans, tubs, or other sounding vessels, by the rattling of bells, or other noisy instruments, engines, or machines, by hallooing, shouting, loud and boisterous laughing, singing, bellowings, howlings, swearing, obscene language or conversation, or by any other device or means whatsoever, or by tumultuous or offensive language or carriage, by threatening, quarrelling, scolding, traducing, challenging or fighting, under any pretence or pretext whatsoever, every such offender shall be deemed guilty of a misdemeanor and breach of this ordinance, and upon conviction thereof before the mayor, any alderman, or justice of the peace within said city, such offender shall forfeit and pay as a fine to the constable of said city, for the use and benefit of the same, any sum not exceeding fifty dollars, nor less than one dollar and costs of the proceedings against him; and said offender shall remain in the custody of said constable until said fine and costs are paid: and moreover such offender shall be compelled to enter into sufficient recognizance, with security before said mayor, alderman, or justice, conditioned for his appearance at the next term of the circuit court which shall happen thereafter to be held in said county and not to depart said court without leave thereof, which said recognizance shall be taken and returned as aforesaid.

§ 5. That it shall be the duty of the city constable and his deputies to arrest and apprehend without warrant or precept, all rioters or disorderly persons within said city, who may be seen by him or his deputy, doing or preparing to do any of the unlawful acts aforesaid, in the manner aforesaid, and forthwith convey such offender before the mayor, alderman, or justice of the peace within said city, if said offenders shall have been arrested by said constable in the day time, then to be dealt with according to the provisions of this ordinance, but if said offender shall be arrested by said constable or his deputy after the hour of eight o'clock in the afternoon, in the spring, summer and fall seasons, or after the hour of six o'clock in the afternoon in the winter season, the said constable shall commit said offenders to jail or some safe place of confinement in said city where said offenders shall remain until an early hour of the ensuing day, when it shall be the duty of said constable to carry such offenders before the mayor, some alderman or a justice of the peace within said city, to be there dealt with according to the provisions of this ordinance.

§ 6. That whenever the said constable shall in the night time, know of his own knowledge, or shall be informed by any creditable person, that any person or persons are engaged in the commission of, or have actually committed within said city, any breach of this ordinance, it shall be his duty and the duty of such of his deputies as may be present, forthwith to repair to the place or places within said city, where it is reported such breach is about to be or has been committed, and shall then enquire into the facts whether any breach or breaches of this ordinance have been or are about to be committed, and shall seek, hunt for, and arrest all such offenders, without warrant if he or they are satisfied that the person or persons by him or them arrested, are guilty of the offence charged, and shall commit such offenders to jail or some safe place of confinement, there to remain until an early hour on the succeeding day, when said constable shall carry said offenders before the mayor, some alderman, or justice of the peace within said city, to be dealt with according to the provisions of this ordinance.

§ 7. That the city constable shall be, and he hereby is, authorized and empowered, whenever he or any of his deputies shall think it necessary in the execution of any process to him directed by the mayor or any alderman or justice of the peace within the city, or in discharging the duties enjoined on said constable by ordinance, to call to his

aid and active assistance all free male inhabitants of said city above the age of eighteen years, or so many as he may think fit.

§ 8. That if any such person or persons who shall have been called to aid said constable or any of his deputies, as aforesaid, shall refuse or neglect to obey said call or summons, such persons so neglecting or refusing shall forfeit and pay to said city, as a fine, any sum not exceeding fifty dollars, to be recovered by action of debt commenced before the mayor or any alderman or justice of the peace within said city, to be assessed and ascertained by a jury in the cause.

Passed by the board of aldermen, March, 14, 1835.

JAMES P. SPENCER, *President pro tem.*

APPROVED, March 18, 1835.

JOHN W. JOHNSON, *Mayor.*

CONCERNING THE POLICE, &c.

An ordinance concerning the police, and for other purposes.

- Exc. 1. Slaves not to be in the streets at night, after certain hours.
 2. Punishment of offenders against the preceding section.
 3. Free negroes and mulattoes not to be in the streets at night, after certain hours.
 4. Punishment of offenders against the preceding section.
 5. Persons suffering noises, &c. in their houses, to forfeit penalty.
 6. Persons making noises, &c. in houses, to forfeit penalty.
 7. First and second sections not to effect market persons
 8. Constable and watchmen to enter houses, and apprehend offenders against this ordinance.
 9. Unlawful to pile straw, &c. on any lot in this city, without having the same enclosed.
 10. Penalty on offenders against the next preceding section
 11. Fires not to be built in plank houses, unless in a vault or chimney.
 12. Penalty on offenders against the next preceding section.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. No slave shall be in any of the streets of this city, between the hours of ten o'clock, post meridiem, and four o'clock, ante meridiem, from the first day of April to the thirtieth day of September; nor between the hours of nine o'clock, post meridiem, and five o'clock, ante meridiem, from the first day of October, to the thirty-first day of March, under any pretence whatever, unless such slave have a written pass, from his or her owner or owners, of that day's date.

§ 2. If any slave offend against the provisions of the next preceding section, such slave shall be fined, for the use of the city, in the sum

of five dollars upon the first conviction, ten dollars upon the second conviction, and twenty dollars upon any subsequent conviction; and if the fines which thus may be imposed, together with the costs of suit be not paid forthwith, the constable shall keep such slave in custody, until the fine and all the costs are paid.

§ 3. No free negro or mulatto, shall be in any of the streets of this city, within the hours prohibited in the first section of this ordinance, unless he or she be going to or coming from some lawful business or occupation, or going to or coming from some lawful assemblage, held within the city.

§ 4. Any person offending against the provisions of the next preceding section, shall, upon conviction, be fined ten dollars upon the first conviction, fifteen dollars upon the second conviction, and twenty dollars upon every subsequent conviction, and upon each conviction, shall remain in the custody of the constable, until the fine and costs imposed are paid.

§ 5. Any person suffering hallooing, shouting, bawling, screaming, profane or obscene language, fighting, dancing, singing, whooping or quarreling, or any unusual noises or sounds, in his or her house, in such manner as to disturb the neighborhood, or those passing through the streets, such persons so offending, shall pay a fine of twenty dollars for the first offence, and for every subsequent offence, the sum of fifty dollars; and if the person so offending, be the keeper of a house licensed by the city, such person shall, upon a third conviction, incur a forfeiture of his license.

§ 6. Any person hallooing, shouting, bawling, screaming, using profane or obscene language, dancing, singing, whooping, quarreling, or making any unusual noises or sounds, in any house, or in any part of this city, in such a manner as to disturb the good people of the neighborhood, or those passing through the streets, he, she or they, so offending, shall be fined twenty dollars for the first offence; for the second offence, thirty dollars; and upon any subsequent conviction, fifty dollars.

§ 7. Nothing contained in the first and second sections of this ordinance shall effect any country person, bond or free, coming from or going to any of the markets, for the purpose of selling his or her marketing.

§ 8. It shall be the duty of the constable and the watchmen, to enter into any house, where they, or either of them, have good reason

to believe that any person or persons, are offending against this ordinance, and take such person or persons into custody, if found so offending.

§ 9. It shall not be lawful for any person to stack, pile, or throw in a loose manner, into any lot, out-lot, or any other part of this city, any hay or straw, without having the same enclosed in such a manner as to protect it from exposure to any flying spark of fire.

§ 10. Any person offending against the next preceding section, shall pay a fine of five dollars, and five dollars for every day he, she, or they, neglect or refuse to comply with said section, after being notified by any officer of the city so to do.

§ 11. It shall not be lawful for any person to build or make, or cause to be built or made, any fire in any frame building, plank shed, or house made of plank and lumber, without having a chimney, stove, or vault, in which to build or make such fires.

§ 12. Any person offending against the next preceding section, shall pay a fine of five dollars for each time he, she, or they, so offend.

Passed by the board of aldermen, December 11, 1835.

JAMES P. SPENCER, *President.*

Presented to the mayor, for his approval, December 13th, 1835, and returned, with his objections thereto, December 16th, 1835.

J. A. WHERRY, *Register.*

The foregoing ordinance having been presented to the mayor for his approbation, and by him returned, within the time prescribed by the charter, unapproved, and with a statement of his objections thereto, the reconsideration of said ordinance was had by the board of aldermen, at their meeting on the twenty-second day of December, eighteen hundred and thirty-five, and, upon the re-consideration, the aforesaid ordinance, entitled "An ordinance concerning the police, and for other purposes," was passed in its original shape by the board, a majority of the whole members voting therefor.

JAMES P. SPENCER, *President.*

Attest, J. A. WHERRY, *Register.*

REGISTERING AND RESTRAINING DOGS.

An ordinance for registering and restraining dogs from running at large.

- Sec. 1. Owners of dogs to have the same registered, collared, and their collars stamped.
2. Each householder may keep one dog free of tax.
3. Tax to be paid on dogs.
4. Dogs not collared and taxed, to be slain.
5. Penalty on persons preventing the killing of dogs not registered.
6. On apprehension of danger from mad dogs, mayor to issue his proclamation—dogs over a certain age, then to be kept up—if found running at large, to be slain. *Proviso.*
7. Owners of fierce and dangerous dogs not to permit the same to run at large—if permitted, proceedings to be instituted before the mayor.
8. Sluts in the season of their salacity running at large, to be slain.
9. Butcher permitting large and fierce dogs to go to market, to chain the same.

§ *Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:*

§ 1. It shall be the duty of every person residing within the limits of this city, owning or possessing a dog or dogs to register the same with the register of the city, on or before the fifteenth day of July in each and every year, and to procure and put on the neck of each and every dog intended to be kept or retained by him, her, or them, a collar, made of some metallic substance, at least one inch in width, with the name of the owner of the said dog legibly engraved or durably marked thereon, and which collar shall also be stamped at the time of registering the dog for which it is intended, with the letters of C. T. P. and with the year in which the said dogs were registered.

§ 2. Each and every householder in this city shall be entitled to keep one dog, free of tax, on his, her or their complying with the requisitions of the preceding section of this ordinance.

§ 3. For each and every dog, other than the one allowed to be kept by each householder as aforesaid, there shall be paid to the city register for the use of the city, the sum of two dollars per annum; and each and every person who shall permit or suffer any dog or dogs to be and remain in or about his house or premises, not being registered and having a collar, as hereinbefore required, shall forfeit and pay for each and every offence the sum of ten dollars.

§ 4. It shall be the duty of the city constable, and it shall also be lawful for any person duly authorized by the said city constable to slay any dog above the age of six months, owned, kept, or possessed by any person living or sojourning in this city, which may be found

running at large after the period aforesaid within the limits of the city without a collar, as hereinbefore required, and upon presentation of the scalp of such dog or dogs to be slain, with sufficient proof thereof, to the register, the register shall certify the same to the auditor, who shall draw a warrant on the treasurer for the sum of one dollar, who is hereby required to pay the same.

§ 5. Any person or persons who shall in any manner oppose, molest, threaten or disturb any person or persons who shall kill or be about to slay any dog or dogs not having a collar of the description required by the provisions of this ordinance, shall forfeit and pay to the use of the city of St. Louis, for each and every offence, the sum of fifty dollars.

§ 6. The mayor shall have authority upon a reasonable apprehension of danger from mad or rabid dogs, to issue his proclamation forbidding dogs of any description from going at large in the streets, lanes, alleys, public squares, buildings, or commons in the city, for any length of time by him deemed expedient, not exceeding thirty days at any one time, which proclamation shall also be distributed in the country around, by posting one or more copies of the same upon each and every important road leading to the city; and after such proclamation shall have been issued, if any dog or slut above the age of three months shall be found running at large in this city, the same may be lawfully slain by any person or persons whomsoever, and the same reward may be claimed therefor as is provided for killing dogs in the fourth section of this ordinance. *Provided*, that no dog or slut shall be molested whilst held or led by a string or otherwise by the owner or any other person, under a penalty of five dollars for each offence; and provided also, that any attempt which may be made to decoy any dog or slut from the enclosure of his or her master, keeper or possessor for the purpose of slaying the same, shall be punished by a fine of ninety dollars.

§ 7. If any owner or keeper of a fierce and dangerous dog or slut permits the dog or slut to range the streets or alleys, either by day or night, to the danger or annoyance of the good citizens, upon complaint of the fact being made, supported by the affidavit of a householder, the mayor, or justice of the peace, or alderman of this city shall have authority to summon the owner or keeper of such dog to appear forthwith at his office and answer to the charge, and in case said owner or keeper appears, or in case he or she neglects or refuses

to appear, the justice, alderman, or mayor shall empanel three competent and impartial house holders of this city as a jury, and shall proceed to investigate the fact; and, if upon a rigid investigation, the offence charged shall be substantiated to the satisfaction of the officer taking cognizance of the same, he shall adjudge the said owner or keeper to pay to the city for the first offence, a sum not to exceed five dollars, and for the second offence by the same dog, a sum not to exceed ten dollars, with costs of suit in each case; and shall, moreover, for the third offence cause the said dog or slut to be slain; for the doing of which the constable shall be entitled to a warrant upon the treasury for two dollars, provided always, that where the decision of the justice, alderman, or mayor, is in favor of the owner or keeper of the dog or slut, the informer shall be held liable for, and shall be adjudged to pay, all costs.

§ 8. Every slut found running at large in this city during her season of salacity shall be slain by any person appointed for the purpose by the constable. The slayer shall be entitled to receive two dollars, and the owner shall be liable to a fine of five dollars.

§ 9. Butchers or other persons who attend market for the purpose of selling, who may permit large or fierce dogs to accompany them to the market house during market hours, shall chain or tie such dog securely to their respective stalls, carts or wagons under a penalty not to exceed one dollar and not to be less than twenty-five cents for each offence; and any person who may attend market during market hours for the purpose of buying, and who permit a dog or slut to accompany him or her, shall pay a like fine, provided always that the city constable may fix the amount of the penalty, and the offender shall pay the penalty to the clerk of the market, and thus be exonerated from further trouble for the said offence.

§ 10. Parents, guardians or masters respectively shall be held answerable for offences against the provisions of this ordinance by minors or slaves in their charge. The register shall receive twenty-five per cent upon all collections made by him pursuant to this ordinance, as his fee.

Passed by the board of aldermen, the 22d of May, 1835.

JAMES P. SPENCER, *President.*

APPROVED, June 3d, 1835.

JOHN F. DARBY, *Mayor.*

FIRE BUCKETS.

An ordinance requiring the citizens to procure fire buckets.

- Sec. 1.** Owners of property to provide and keep fire buckets,
 2. Persons neglecting to keep fire buckets, to be fined.
 3. Constable to report delinquents.
 4. Owners of property neglecting to provide buckets, to be fined.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. Every owner in fee-simple, fee tail for life, or on perpetual lease, of any dwelling house, store, or warehouse, or every ten nt occupying the same, at the expense of the proper owner, shall provide and keep at his, or their own proper cost and expense for each story which such dwelling house, store or warehouse shall comprise, at least one strong, substantial and sufficient leather bucket, which shall be marked in paint and in conspicuous letters with the name or names of the owner or owners thereof, and which shall be kept in some convenient or public part of the house, and which shall not be removed, notwithstanding the tenants may, and which shall not be used for any domestic purpose under the penalty of five dollars, nor be employed except on occasion of fire, or exercise of the engines belonging to this corporation, and shall always be kept in good order at the expense of the owner or owners of the dwelling house, store or warehouse, and which shall be carried or sent to places on fire, or to places where the engines may be exercised, by tenants or occupiers of such dwelling house, store, or warehouse.

§ 2. If any owner or owners of such dwelling house, store or warehouse, shall neglect or refuse to provide fire buckets as aforesaid, or if any occupier of such dwelling house, store or warehouse, shall refuse to keep and take care of the same, or to carry or send the same to places on fire, or for exercise of the engine aforesaid, after they have been provided, all persons shall for every such offence forfeit and pay the sum of five dollars for each bucket required by virtue of this ordinance.

§ 3. It shall be the duty of the city constable from time to time, and at least once in every six months, to visit each and every dwelling-house, store or warehouse, to examine and make report to the mayor, whether or not they are furnished with the requisite number of fire-buckets, as required.

§ 4. Any owner or owners or tenants of property who shall refuse or neglect to provide the number of fire-buckets required by this ordinance, shall forfeit and pay for the use of the city of St. Louis at every visit of the constable five dollars, to be recovered as other fines.

Passed by the board of aldermen May 22, 1835.

JAMES P. SPENCER, *President.*

APPROVED 3d of June, 1835.

JOHN F. DARBY, *Mayor.*

INTEREST ON WARRANTS.

An ordinance, concerning interest on warrants.

- SEC. 1. Ordinance allowing interest on warrants repealed.
 2. Auditor to give notice that he is prepared to pay outstanding warrants.
 3. No auditor's warrant to bear interest.

Be it ordained, by the mayor and board of aldermen of the city of St. Louis, as follows:

- § 1. An ordinance entitled "An ordinance allowing interest on auditor's warrants," approved April 1st, 1834, is hereby repealed.
 § 2. The auditor shall give notice in all the newspapers printed in this city that he is now ready to pay off all outstanding warrants.
 § 3. No auditor's warrant shall bear interest from and after the passage of this ordinance.

Passed by the board of aldermen, June 1st, 1835.

JAMES P. SPENCER, *President.*

APPROVED, 2d June, 1835.

JOHN F. DARBY, *Mayor.*

RESTRAINING HOGS.

An ordinance to prevent hogs running at large.

- SEC. 1. Hogs running at large declared a nuisance.
 2. No hogs to run at large—all hogs running at large to be taken up and secured.
 3. Hogs taken up to be sold.
 4. Constable to employ assistants.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. Hogs running at large in the streets and other public places within the limits of the city are hereby declared to be a nuisance.

§ 2. No hog of any description shall be suffered to go or run at large within the limits of the city of St. Louis; and all hogs or pigs thus found shall be by the constable taken up, and placed in some secure pen or pound, to be by him provided for that purpose.

§ 3. When any hog or hogs are thus taken up, it shall be lawful for the constable, and it is hereby made his duty, to sell the same at auction, after having had a bell rung through the city, notifying the public of the time and place of such sale; and the money arising therefrom shall, after the expenses of taking up and selling the same are deducted, be paid over to the owner or owners on their proving to the satisfaction of the constable, that the property of the said hog or hogs is in them; but if no owner appear the said money, after deducting the costs aforesaid shall be paid into the city treasury.

§ 4. It shall be lawful for the constable to employ two or more persons to aid him in carrying into effect the provisions of this ordinance.

This ordinance shall not take effect until the fifteenth day of June next.

Passed by the board of aldermen, May 22d, 1835.

JAMES P. SPENCER, *President.*

APPROVED June 3d, 1835.

JOHN F. DARBY, *Mayor.*

BREACHES OF ORDINANCES.

An ordinance concerning breaches of ordinances.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, That if any person or persons shall, knowingly and wilfully, obstruct, resist or oppose, any officer of this city, or any other person duly authorized, in executing or attempting to execute and carry into effect any ordinance passed by the proper authorities of the city of St. Louis, or in serving, or attempting to serve and execute, any legal writ, warrant, process or order, issued by the mayor or by any alderman, justice of the peace, the register, or by the board of aldermen, under and in virtue of any such ordinance, such person, so knowingly

and wilfully offending, in the premises, shall be fined in the sum of ninety dollars.

Passed by the board of aldermen, May 11, 1835.

JAMES P. SPENCER, *President.*

APPROVED May 15, 1835.

JOHN F. DARBY, *Mayor.*

TREASURY DEPARTMENT.

An ordinance to establish and regulate the treasury department.

- SEC. 1. Auditor and treasurer to be appointed—to give bond.
2. Duties of treasurer.
3. Duties of auditor.
4. Persons or bodies politic indebted to city, to account to auditor quarterly.
5. Power of auditor in settlement of accounts.
6. Accounts audited and adjusted—proceedings when balance against the city.
7. Accounts audited and adjusted—proceedings when balance in favor of the city.
8. Auditor to make quarterly statements to the board of aldermen of his accounts.
9. Board of aldermen to appoint some person at the first stated meeting in each year, to examine auditor's and treasurer's books and report.
10. Compensation of auditor and treasurer.
11. Penalty on auditor and treasurer for neglect of duty.
12. Officers receiving fines and forfeitures, to pay over the same to treasurer—repealing clause.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of St. Louis as follows:* That there shall be appointed an auditor of accounts and city treasurer, to continue in office for one year, and until their successors shall be appointed and duly qualified, unless sooner removed; and before entering upon the duties of their office, shall each enter in bond to the corporation, in a sufficient sum, with two or more securities to be approved by the mayor, for the faithful performance of the trusts and duties which are or may be enjoined on them by ordinance or resolution: and at the expiration of their term of service, or on being removed, shall respectively deliver over to their successors in office all the books, papers, and money, that may be in their hands belonging to the city.

§ 2. It shall be the duty of the treasurer to receive and keep the moneys of the city, and to pay out the same, upon warrants drawn by the auditor, in such manner as is herein or may be hereafter prescribed by ordinance, and not otherwise; he shall keep a just and comprehensive account of all moneys by him received and disbursed, particularly

specifying the different kinds, or any thing he may be directed by ordinance to receive in payment, in a book to be by him kept for that purpose; he shall render his accounts to the auditor quarterly, and oftener if required.

§ 3. It shall be the duty of the auditor to prescribe the mode of keeping, stating, and rendering all city accounts; to examine, settle and adjust, all accounts (unless otherwise provided for by ordinance) between the city any person or persons, body politic or corporate, as well those of the officers of the revenue, as of all persons having claims on the city: *Provided*, that if any person or persons, body politic or corporate, shall be dissatisfied with the decision of the auditor on any demands, account or credit, claimed, it shall be the duty of the auditor, at the request of the party claiming, to refer the same with the reasons of his decision to the board of aldermen: *Provided also*, that the auditor shall not allow any account or demand against the city of longer standing than one year; he shall keep and preserve all accounts and vouchers settled or to be settled in his office; he shall keep an account between the city and the treasurer; and he shall generally perform all such services relative to the finances as he shall be directed by ordinance or resolution to perform.

§ 4. All persons, bodies politic or corporate, entrusted with the receipt, or who hereafter may become possessed, of any money belonging to the city, and who have not accounted for the same, or in case of the death of any such person, his heirs, devisees, executors or administrators, shall render his or their accounts, with the vouchers in support thereof, to the auditor quarterly, on the first Mondays of January, April, July, and October, and oftener if required; and the auditor shall immediately examine all such accounts and settle and adjust the same,

§ 5. It shall be lawful for the auditor in the settlement of any account, to examine the parties, witnesses, and others, upon oath or affirmation, touching any material matter or thing for his information in such settlement.

§ 6. That when any account shall be audited and allowed, and a balance shall appear to be due from the city, and in all cases of grants, salaries, pay, and expenses, allowed by ordinances or resolutions, the auditor shall issue a warrant on the treasury for the amount, payable to the party to whom the same may be due; and shall keep a registry thereof, setting forth the number of the warrant, the date, in whose favor, on what account, and the amount.

§ 7. Whenever the auditor shall have settled any account, and a balance thereby appears to be due to the city, and the person or persons accountable therefor, shall not pay the same into the treasury within ten days after such settlement and produce to the auditor the treasurer's receipt therefor, it shall be the duty of the auditor to charge the same to such delinquent; and if said delinquent be a city officer, to add to the balance so ascertained, the commissions, if any, of such delinquent, and the further sum of five per cent. per month upon such balance for each and every month the same shall remain unpaid, which shall be forfeited to the use of the city; and the auditor shall immediately commence and prosecute suits therefor, according to law.

§ 8. It shall be the duty of the auditor, at the first stated meeting of the board of aldermen, in every year, to exhibit to the board a complete statement of the funds of the city, showing, in a connected view, the receipts and expenditures not before accounted for; showing the amount of all moneys which have been paid into the treasury, and on what account; and an account shewing distinctly the sum expended, and for what purpose, and the amount of demands against the city, audited and allowed but unpaid, and to whom due.

§ 9. The board of aldermen at the first stated meeting in each year, shall appoint some competent person or persons to examine the auditors and treasurer's books, accounts and vouchers, to see if the same have been properly and correctly kept, and make settlement with the auditor and treasurer to the day of the meeting, which when approved by the board, the person or persons so authorized shall cause the necessary entries to be made in the books of the auditor and treasurer, to show the actual balance, and shall attest the same; which having been completed, they shall deface all the warrants drawn by the auditor or treasurer, in the settlement by him or them made; and they shall also deface all vouchers which have been examined and allowed in the settlement with the auditor.

§ 10. There shall be paid to the auditor and treasurer of the city for their services, annually: to the auditor four hundred dollars; to the treasurer two hundred dollars; which said salaries shall be paid out of the treasury quarterly, and the auditor shall draw warrants therefor, as in other cases.

§ 11. If any auditor or treasurer shall wilfully neglect or refuse to perform any of the duties enjoined upon him by ordinance or resolution, or shall be guilty of any oppression or extortion in the discharge

of his official duties, or shall by color of his office do any act not authorized by ordinance or resolution, he shall forfeit and pay a sum not exceeding one thousand dollars, to be recovered by action of debt.

§ 12. All officers who may receive fines and forfeitures for offences against ordinances, shall render to the Mayor under oath, monthly, a list of the same, and shall pay over the same to the city treasurer, every sixty days, under a penalty of double the amount so held by them. All ordinances contrary to or coming in the perview of this ordinance, are hereby repealed.

Passed by the board of aldermen, March 15, 1835.

JAMES P. SPENCER, *President.*

APPROVED, March 23d, 1835.

JOHN F. DARBY, *Mayor.*

SIDE-WALKS.

An ordinance concerning side-walks.

- SEC. 1. No porch or other fixtures to extend over side-walks.
2. No cellar-door to extend over side-walks.
3. No cellar grate or window to extend into side-walks.
4. Shade trees may be planted—where.
5. Porches and other fixtures to be removed from side-walks.
6. Penalty for neglect to comply with the preceding section.
7. Constable to cause porches and other fixtures to be removed.
8. Penalty on persons placing sign posts, &c. on side-walks.
9. Meaning of the word *streets*.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. No porch, gallery, platform, steps or other fixtures shall be allowed to extend into or on any part of the side-walks or streets of this city more than three feet.

§ 2. No cellar door shall be allowed to extend into or on the said walks or streets of the city more than three feet, nor shall they be allowed in any case to project or rise above the surface of the pavement of the side-walks more than one inch, and the raised part of the hinges on such doors shall be turned down so that the hook will not rise above the shutter, nor shall any lock, staple or fastening of any kind be put on or made fast to the upper side of any such cellar door.

§ 3. No cellar grate or window curbing shall extend into or on any of the side walks or streets of the city more than eighteen inches, and in all cases the same shall be covered at the surface of the pavement with iron bars placed not more than three inches from centre to centre.

§ 4. Trees for shade may be planted at or near the curb stone of the side-walk of the streets by the consent of the board of aldermen.

§ 5. If any person have at this time any steps, gallery, porch, platform, cellar door, sign-post, grate or window-curbings, or other fixture, in or on any side-walk, or street of this city, the same shall be removed or altered to conform with the requisitions of this ordinance on or before the fifteenth day of September next.

§ 6. If any person or persons shall neglect or refuse to comply with the next preceding section, he, she, or they so offending, shall pay as a fine for the use of the city, for each and every day he, she or they, shall so neglect or refuse, the sum of three dollars.

§ 7. The city constable shall proceed without delay, from and after the first day of October next, to have all the steps, galleries, porches, platforms, cellar doors, sign posts, grates, or window curbings, or other fixtures, that are extending into or on any of the side-walks or streets of this city, contrary to the provisions of this ordinance, removed forthwith.

§ 8. If any person shall erect or place any steps, gallery, porch, platform, cellar doors, sign-post, grate, or window curbing, tree, block, post, or any other fixture, or thing, on any of the side-walks or streets of this city, contrary to the provisions of this ordinance, he, she, or they, so offending, shall pay for the use of the city, the sum of twenty dollars, and the further sum of three dollars for every day they refuse or neglect to remove the same, after having been notified by the city constable so to do.

§ 9. Wherever the word street is used in this ordinance, or any of the ordinances of this city, it shall be so construed as to mean all public highways in the city.

Passed by the board of aldermen, June 6th, 1835.

JAMES P. SPENCER, *President.*

APPROVED, June 9th, 1835.

JOHN F. DARBY, *Mayor.*

WAGONS, CARTS, DRAYS AND CARRIAGES.

An ordinance supplementary to an ordinance entitled "An ordinance regulating wagons, carts, drays and carriages."

SEC. 1. Owners of drays, &c. to pay tax.

2. Licences when to begin.

3. Owners of wagons, drays, &c. to appear before register and take out license.
4. Applicants for license to give bond.
5. Wagons, carts, and drays to be numbered.
6. Transfers of wagons, drays, &c. to be registered.
7. Persons wishing to obtain licenses before October, how to proceed.
8. No slave permitted to drive a dray.
9. Persons taking out license how responsible.
10. Penalty on persons hauling for pay without license.
11. Penalty for not numbering drays.
12. Owners of slaves responsible for their acts.
13. City constable to report breaches of this ordinance.
14. Repealing section.
15. Increase of salary of city constable.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The owner of any wagon, cart, or dray, employed in the transportation of articles of any kind within the limits of the city of St. Louis for hire or pay, shall pay to the city register for the use of the city, ten dollars per annum, as a license for the same, and fifty cents for his fee for issuing the same.

§ 2. All annual licenses for the privilege and protection of said license, shall be issued between the first and fifteenth day of October in each year.

§ 3. The owners of wagons, carts and drays, shall annually, between the first and fifteenth day of October, appear at the office of the register aforesaid, and take out the said license, and shall give in their place of abode to the register, whose duty it shall be to enter the same, together with the number of such carriage in a book kept for that purpose.

§ 4. Before receiving a license under this ordinance each applicant therefor shall give bond to the mayor for the use of any person damaged, in the sum of one hundred dollars, with sufficient security, to be approved of by the register, conditioned for a faithful compliance with the requisitions of this ordinance, and that the obligee will pay and satisfy to any person damaged by the dray, for which a license is demanded, or by the driver thereof, by the non-performance or mal-performance of any contract of bailment entered into by the applicant for such license, or the driver of such dray, all damages incurred.

§ 5. Each wagon, cart, and dray, licensed as aforesaid, shall have its number as registered, in plain and conspicuous figures, in paint, not less than three inches in length, on the outside of the near shaft of such carriage.

§ 6. In cases of transfers of such carriages, the purchaser shall not be required to pay any additional license thereon, but the vendor of any such carriage shall, within three days thereafter have the same entered and registered in the name of the purchaser, in the manner aforesaid, and pay therefor fifty cents to the register, as a fee for registering such transfer, and until such transfer is registered the original owner shall not be exonerated from any responsibility incurred under this ordinance.

§ 7. If any person wish to set up or follow the said business or employment before or after the first to the fifteenth day of October, the same proceedings shall be had and adopted as herein before directed except that the license shall expire on the fifteenth day of October next ensuing for which the full sum of ten dollars, with the fee of the register shall be paid.

§ 8. No slave shall be permitted to drive any licensed wagon, cart or dray, or have the charge of any such wagon, cart, or dray, while the same is employed in the transportation of articles of any kind within the limits of this city, for which money is paid, or promised to be paid or demanded, under a penalty of ten dollars.

§ 9. Persons taking out such license shall be responsible for all goods, wares and merchandise delivered into their care for hauling, or the care of the person having the charge of such wagon, cart, or dray.

§ 10. If any person neglect or refuse to take out a license, as aforesaid, and shall receive or demand pay for hauling within the city, or shall demand or receive pay for the hire of any wagon, cart, or dray, he, she, or they, shall forfeit and pay for the use of the city, the sum of five dollars for each and every time he, she, or they, shall use or employ, or suffer to be used or employed, his, her, or their wagon, cart or dray, as aforesaid.

§ 11. If any person refuse or neglect to have and keep his, her or their, wagon, cart, or dray, numbered as required by this ordinance, he, she, or they shall forfeit and pay for the use of the city, five dollars upon each conviction.

§ 12. The owner or owners of slaves, or the person or persons having the charge or care of slaves, shall be responsible for the acts of such slaves, for the breach of this ordinance, or any ordinance, of this city.

§ 13. The city constable shall examine each wagon, cart, and dray, employed in the transportation of articles of any kind in the city, and

report without delay all breaches of this ordinance, or of the ordinance to which this is a supplement, to the city attorney, whose duty it shall be to prosecute the same without delay.

§ 14. The second chapter of the ordinance to which this is a supplement is hereby repealed.

§ 15. The city constable shall receive three hundred dollars, in addition to the sum now received by him, for the additional duties imposed on him by this and other ordinances and resolutions.

Passed by the board of aldermen, June 6th, 1835.

JAMES P. SPENCER, *President.*

APPROVED June 13th, 1835.

JOHN F. DARBY, *Mayor.*

HEALTH DEPARTMENT.

An ordinance to re-organize the health department.

CHAPTER I.

Of the board of health.

- Sec. 1. Board of health—how composed.
2. Members, how elected.
3. Register to attend meetings of the board of health.
4. City constable to obey orders of the board of health.
5. Street commissioner to carry into effect orders of the board of health.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That the board of health of the city of St. Louis shall be composed of the health officer and one member of the board of aldermen from each ward, any three of whom shall constitute a board to transact business.

§ 2. The members shall be elected by the board of aldermen.

§ 3. The register of the city shall attend all the meetings of the board of health, record their proceedings, in books to be kept by him for that purpose, and act in all matters and things as clerk of said board.

§ 4. The city constable shall faithfully obey the orders of the board of health, carry their precepts, cause their regulations relative to the

cleanliness and salubrity of the city, to be punctually executed, and act in all matters and things as principal agent of said board.

§ 5. The city surveyor and commissioner shall (without delay) cause to be carried into effect the orders of the board of health relative to the draining of ponds, raising or lowering ground, either on public highways or private property, within the limits of this city.

CHAPTER II.

Powers of the board of health.

- Sec. 1. Board of health. when and where to meet.
2. Board of health to establish rules for preserving the health and cleanliness of the city.
3. Board of health to cause all ordinances of the city in relation to the cleanliness thereof to be carried into effect.
4. Board of health shall cause to be removed from streets all things calculated to endanger the health of the city.
5. Board of health empowered to enter all places where nuisances are supposed to exist.
6. Nuisances existing on lots or in houses, board of health to issue notice to remove the same.
7. Nuisances existing on lots, &c. of non-residents, may be removed by the board of health, without notice.
8. If nuisances exist on lots, requiring immediate removal, board empowered to do so.
9. On report of the existence of the small-pox, the board to cause the persons infected to be removed.
10. Persons infected refusing to be removed, board to forbid all intercourse with infected house.
11. Board of health to employ assistants, if necessary.

§ 1. The members of the board of health shall meet, as a board, at the city hall, on the first Monday of every month, and at least once a week in the months of May, June, July, August and September, for the purpose of communicating and receiving all possible information relative to the health and cleanliness of the city, and to advise and consult with each other, respecting the preservation of the same, and to adopt such rules and measures to discharge the trust confided to them as may appear reasonable and proper.

§ 2. They shall draw from time to time such rules and regulations as they may deem expedient, for establishing, maintaining, and securing the cleanliness and health of the city, which rules and regulations they shall submit to the board of aldermen, for their approval, and, if approved, they shall have the same force as an ordinance.

§ 3. They shall cause to be executed all the ordinances of this city, relative to the cleanliness and salubrity of the same; and it is hereby made their duty to enforce them, as well as their own regulations in relation thereto.

§ 4. They shall cause to be removed from the streets and all other public highways within this city, all offensive substances, which in their opinion may have a tendency to endanger the health of the citizens, also cause to be filled up and levelled, all low places and depressions, which may retain stagnant water, for which last object they shall apply to the city surveyor and commissioner.

§ 5. They shall have the power to enter and examine or cause to be entered and examined at any time, all houses, cellars, enclosures, and other places, shut up from public view.

§ 6. If any nuisance of whatever description, be found upon the lot, ground, possessions, or in the buildings of any person or persons, the board of health shall issue their written notice to the occupier, owner, or agent of such premises, to cause said nuisance to be corrected, within a time limited in their notice.

§ 7. When any nuisance shall exist in any house, or on any lot, occupied or not, of any non-resident who has no agent, within the city, known to the board of health, the said board shall have the power to cause the nuisance to be removed or remedied without giving any written notice.

§ 8. Should there be in any house, or on any lot, occupied or unoccupied, belonging to any resident or non-resident, any nuisance, the removal of which will not admit of delay, and the house or lot be fastened or enclosed in such manner as to preclude admittance in the ordinary way, the board of health shall cause the said house or lot to be entered, and such corrective applied as may be thought necessary, without giving any previous written notice.

§ 9. On report of any practising physician, or when there shall be cause to believe the existence of any case or cases of the small pox, or of any other contagious disease, the board of health shall cause the person or persons so infected, or believed to be infected, to be removed immediately to the hospital, or some retired place appointed for their reception: *Provided*, the patient or his friends consent to the measure.

§ 10. Should the infected person refuse to be so removed, the board of health shall prohibit all kind of intercourse with the infected house, or family, except by means of physicians, nurses, or messengers, or other persons to carry the necessary advice, medicines, and provisions, to the afflicted, as the circumstances of the case may render the one or the other mode in their judgment most conducive to the good of the city with the least private injury.

§ 11. The board of health shall employ attendants to assist, and procure all that may be necessary for the welfare of the infected persons who may have been removed to the hospital, or any other house according to the provisions of this ordinance.

CHAPTER III.

Concerning the duties of the constable.

- Sec. 1. Constable to ascertain nuisances, and to cause gutters, &c. to be kept clean.
 2. Constables and his deputies, when ordered by the board of health, to enter privies, &c.
 3. Constable to superintend the cleaning of streets, &c.
 4. Constable to render monthly accounts of his expenditures.

§ 1. The constable shall take all necessary measures to ascertain all nuisances, which may exist within the city limits, he shall attend particularly to the cleanliness of the same, and cause the gutters, drains, ditches and sewers, to be at all times clean and free of all kind of obstructions whatsoever, at least two feet in width.

§ 2. The constable and his deputies when so ordered by the board of health, shall enter in the day time and examine all cellars, privies, out-houses, slaughter-houses, yards, and enclosures, within the limits of this city, and, whenever nuisances exist, or filth is suffered to accumulate, they shall direct the owner, agent, or occupier, of the premises where such nuisance or filth may be found, forthwith to remove the same and report the case to the board of health.

§ 3. The city constable shall visit and inspect all the public highways of the city, superintend the cleaning of the same, direct the scavengers and other persons by him employed in the performance of their duties, and prosecute all offenders against this ordinance, all other ordinances, and the regulations of the board of health.

§ 4. The constable shall, at the end of each and every month, render to the board of health an account of all expenses that may have accrued under his authority, as their agent, and upon the board certifying the correctness of the same, it shall be the duty of the auditor to audit it, and to issue his warrant on the treasury for the amount thereof.

CHAPTER IV.

Concerning the duties of physicians.

- Sec. 1. Practising physicians invited to attend meetings of the board of health.
 2. Physicians to report deaths within the city.
 3. Penalty on physicians falling to comply with the regulations of the foregoing section.

§ 1. Each and every practising physician within the limits of the city is hereby invited and requested, at all convenient times, to attend

the meetings of the board of health, to give them information as to the state of the health of the city, and to aid and assist its members with their advice and counsel in all matters relating to the preservation of the health of the inhabitants, and the prevention of contagious diseases.

§ 2. They shall respectively, on the morning of every Friday in each week, make a report in writing to the board of health of each death happening under his or their immediate notice, stating in such report as accurately as may be, the name of the deceased, sex, age, color, residence, nature of the disease, or cause of death, and such remarks on each case as they may think proper to make, for which purpose blank forms shall be furnished to them by the register, on application therefor, and a condensed report of the whole (without the names of the physicians) shall be published weekly by the board of health.

§ 3. Each physician failing to comply with the requisitions of the foregoing section, shall forfeit and pay, for the use of the city, the sum of five dollars.

CHAPTER V.

Concerning the duties of scavengers.

Sec. 1. Scavengers to be employed.

2. Each scavenger to employ his own assistants, horses, &c.

3. Scavengers to visit all parts of their wards

4. Each cart to have a sufficient number of hands to keep streets clean.

5. Scavengers to send their carts to places where filth is kept in buckets or other vessels.

6. Scavengers neglecting duty—proceedings

7. Scavengers to haul cleanings of the city to such places as shall be pointed out by constable.

§ 1. Scavengers, one in each ward, shall be employed by the year, under contracts, given out to them at auction by the constable, to the lowest and best bidder.

§ 2. Each scavenger shall provide his own assistants, horses, carts, harness, tools, and at least one slop cart, with water-tight body.

§ 3. The scavengers shall visit regularly all parts of their respective wards, and shall remove, immediately, all kinds of filth, dirt, mud and every description of nuisance that may be deposited in heaps upon the streets and other highways of this city.

§ 4. To each cart shall be attached a sufficient number of hands, whose business it shall be to scrape and sweep the streets, and load the carts, so that no heap of dirt shall remain any length of time upon the streets.

§ 5. The scavengers shall send their carts (with water-tight bodies)

once in every twenty-four hours to each place where a bucket or other vessel containing filth, animal or vegetable matter, may be regularly kept, and carry the same away.

§ 6. If a scavenger should neglect to keep all the highways within his ward clear and free of all kind of nuisances, according to the meaning of this ordinance, the constable shall forthwith employ other men to perform those duties, at the expense of the said delinquent scavenger.

§ 7. The scavengers shall haul the cleanings of the city to such places (and no other) as shall be pointed out to them by the constable, according to the instructions of the city surveyor and commissioner.

CHAPTER VI.

Concerning the removal of filth from the streets and other places.

- Sec. 1. No person permitted to throw hay, &c. into the streets, under the penalty of five dollars.
2. Penalty on persons conducting filthy water into the streets.
3. Penalty on persons suspending enumerated articles on side-walks, &c.
4. Owners of lots to sweep the streets fronting the same—penalty.
5. Owners of lots fronting on unpaved streets, to rake the rubbish in the streets—penalty.
6. Penalty on persons permitting rubbish to be thrown on the public highways.

§ 1. No person or persons will be permitted to throw into any street or any other public highway of this city, any straw, hay, dung, ashes, old clothes, rags, fish, flesh, hair, dead animals, earth, stones, bricks, or any other article or substance whatever, under a penalty of five dollars.

§ 2. Nor shall any person be permitted to conduct into any street, or other public highway of this city, through sewers or otherwise, any filthy or unclean water, animal or vegetable matter, from his, her, or their kitchen, house, or manufactory, under a penalty of five dollars.

§ 3. Nor shall any person be permitted to suspend or expose on the side-walks of any of the highways, or on the outside of the enclosures of their lots, any fish, or green hides, bacon, pork, or other meat, scythes, sickles, pitchforks, or edge tools, or any species of merchandise, under a penalty of ten dollars.

§ 4. The occupiers of front lots on any street, the side-walks of which are paved, or the owners of the premises, should the lot be unoccupied, shall every Friday morning, rake and sweep together in heaps all the filth, mud, rubbish, and snow, which may lay on the side-walks or streets in front of the lots, occupied, claimed or owned, by them, to

the centre of the street, or to such other part of the same, in front of their respective lots, as may be pointed out to them by the constable, under the penalty of two dollars.

§ 5. That the owners or occupiers of lots fronting on unpaved streets shall, on the first Friday of each month, rake, scrape, or sweep, into heaps all the filth, straw, hay, or rubbish, of every kind, lying in the street on which their respective lots front, under the penalty of five dollars.

§ 6. No person or persons shall at any time be allowed to place, or cause to be placed, deposited or thrown, upon the streets, lanes, alleys, avenues, wharves, docks, landings, or into the Mississippi river in front of this city, or on any of the public highways of the city, any earth, stones, dung, filth, or rubbish, of any description, except at such places and in such manner as shall be directed by the city surveyor and commissioner, under the penalty of ten dollars for each and every offence.

CHAPTER VII.

Concerning the expenditures of the board of health.

- Sec. 1. Expenditures of the board of health to be certified to the auditor.
2. Expenses made in removing nuisances, to be charged to the owner of the lot on which the same existed.
 3. Constable to keep account of expenditures made by him in removing nuisances, and certify the same.
 4. Collector to collect accounts certified in the same manner as city taxes.

§ 1. All expenditures incurred by the board of health shall be certified by the president of that board to the auditor, whose duty it shall be to audit the same and issue his warrant on the treasury therefor.

§ 2. All expenses incurred in the remedying or removal of nuisances, by the order of the board of health, shall be charged, together with the fines imposed in such cases, to the occupier, owner or claimant of the property on which such nuisance shall have been remedied or removed.

§ 3. The constable shall keep accurate accounts of the expenses necessarily incurred, in the removal or remedying of nuisances, for each particular case, and within ten days thereafter, deliver an attested copy thereof to the city collector.

§ 4. The collector shall collect the said accounts in the same manner as city taxes, or other city accounts are collected, and deposit in the city treasury the amount thus collected, on the first Monday of every month.

CHAPTER VIII.

Compensation of board of health and register.

Sec. 1. Compensation of the board of health.

2. Register to keep account of the services of the members of the board of health and certify the same.

§ 1. The members of the board of health, and the register, shall each receive as a full compensation for their services, two dollars for each and every day they may attend the board of health in their official capacity.

§ 2. The register shall keep a correct account of time, and render a certificate of the same quarter-annually to each member respectively, and on presentation of such certificate the auditor shall issue his warrant upon the treasury.

CHAPTER IX.

Fines, penalties, and forfeitures.

Sec. 1. Specification of penalties and forfeitures.

2. Specification of penalties and forfeitures.

3. Penalty on persons refusing to open houses, &c to officers of the board of health.

4. Penalty on persons violating prohibited intercourse with houses infected with the small-pox.

5. Penalties and forfeitures, how recovered.

§ 1. The fines, penalties and forfeitures, against the provisions of this ordinance, not herein before specified, shall be as follows, viz: for every failure on the part of the members of the board of health to attend the meetings of their board, two dollars; for every failure of the constable to perform any one of his duties, ten dollars.

§ 2. For any failure, refusal, or neglect, on the part of the occupier, owner, or claimant, of any premises to remove or correct any nuisance lying thereon, according to the provisions of the board of health, twenty dollars.

§ 3. When the occupier, owner, or claimant, of a lot shall refuse or delay to open his house, cellar, or enclosure, to an officer of the board of health, for the purpose of examining the same, as is provided for above, he shall forfeit and pay as a fine, the sum of twenty dollars.

§ 4. Any person violating the prohibited intercourse with persons infected with contagious diseases, or resisting any of the members of the board of health or their officers, in the performance of their duties, shall forfeit and pay as a penalty for each offence one hundred dollars.

§ 5. All fines, penalties, and forfeitures, imposed according to the provisions of this ordinance, together with the costs of suits, and the expenses incurred by the city in the removal and correcting of the nuisances for which they may have been imposed, shall be recovered in an action of debt, before the mayor, any alderman, or justice of the peace, within said city, or any court having jurisdiction thereof, to be brought by the city attorney, in the name of the mayor, aldermen, and citizens of the city of St. Louis.

Passed by the board of aldermen, June 1st, 1835.

JAMES P. SPENCER, *President.*

The foregoing ordinance having been presented to the mayor, for approval, and by him returned within the time prescribed by the charter, unapproved, and with a statement of his objections thereto, the reconsideration of said ordinance was had by the board of aldermen, at their meeting on the eighth day of June, 1835, and upon the said reconsideration the aforesaid ordinance, entitled "An ordinance to reorganize the health department," was passed in its original shape by the board, a majority of the whole number of members elected voting therefor.

JAMES P. SPENCER, *President.*

Attest, J. A. WHERRY, *Register.*

CITY ATTORNEY.

An ordinance providing for the appointment of a city attorney, and defining his duties.

- Sec. 1 City attorney to be appointed.
 2. Duties of city attorney.
 3. Compensation of city attorney.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of St. Louis, That it shall be the duty of the mayor to nominate to the board of aldermen in the month of September, in each and every year, for their confirmation or rejection, some gentleman of the bar, a citizen of, and resident within the city of St. Louis, who has been admitted to practise as an attorney and counsellor at law, in the supreme court of the state of Missouri, to be attorney and solicitor for the mayor, aldermen, and citizens of the city of St. Louis, who shall hold*

his office for one year, and until his successor be duly appointed and qualified.

§ 2. *Be it further ordained*, That it shall be the duty of said attorney or solicitor to draught all bonds, contracts, leases, conveyances and assurances which may be required of him by any ordinance of this city, the mayor of the city, or any resolution of the board of aldermen, and which are necessary and requisite to be done and made by and between the mayor, aldermen and citizens of the city of St. Louis, and any person or persons contracting with said corporation, and which by law or usage, the said mayor, aldermen and citizens are to be at the expense of so drawing. It shall be his duty to commence and prosecute all and every suit and suits, action and actions brought, and to be brought, by the said mayor, aldermen or citizens, for or on account of any of the estate, rights, privileges, claims or demands of said corporation, and all breaches and violations of the ordinances of the same, as well as to defend all actions and suits brought or to be brought against the mayor, aldermen and citizens of this city; or any officer of this corporation wherein or whereby any of the estates, rights, privileges, or acts of this corporation, or any breach thereof may be brought in question, before any court in this state, and shall do all and every professional act incident to the office, and shall when required, furnish the board of aldermen, the mayor or any city officer with his opinion on any subject submitted by them.

§ 3. *Be it further ordained*, That from and after the twenty-third day of September, eighteen hundred and thirty-five, the said attorney shall receive the sum of three hundred dollars per annum, to be paid quarterly out of any moneys in the treasury not otherwise appropriated.

Passed by the board of aldermen, May 11, 1835.

JAMES P. SPENCER, *President*.

APPROVED, May 14, 1835.

JOHN F. DARBY, *Mayor*.

AUTHORISING A LOAN.

An ordinance authorizing the mayor to borrow the sum of one hundred and fifty thousand dollars.

SEC. 1. Mayor authorised to borrow \$150,000.

2. Contract of loan to embrace such provisions, as will ensure the performance thereof.
3. Lender, how required to pay in the sum borrowed.
4. Sums paid in by the lender, to be kept in the treasury subject to order of board.
5. Upon each payment made, certificate to be issued to lender.
6. Certificate, what it shall state.
7. Certificate, where payable.
8. Certificate to be signed by mayor and register.
9. Drafts for interest to be annexed to certificate.
10. Certificates to be transferable.
11. Certificates, when redeemable.
12. Property pledged for redemption of certificates.
13. Repealing clause.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The mayor is authorised and empowered to borrow in behalf, and for the use of the city of St. Louis, the sum of one hundred and fifty thousand dollars, and for that purpose to contract with any person or persons, body politic or corporate.

§ 2. In the contract to be made by the mayor, by virtue of the preceding section, there shall be embraced such provisions as will insure the performance thereof according to the requirements of this ordinance.

§ 3. The person or persons, body politic or corporate, of whom the mayor may borrow the sum aforesaid, shall be required to pay the same to the treasurer of the city of St. Louis in the manner and at the times following, to wit: sixty thousand dollars of the said sum on or before the first day of June next, and the balance in sums of thirty thousand dollars each, shall be paid at such times as the mayor and board of aldermen shall direct, first giving to the lender of the sum aforesaid, sixty days previous notice of the time at which the payment is required to be made, which notice shall be left at such place as may be agreed on between the mayor and the lender, and being so left shall be a sufficient notice to the lender, as required to be given by this section.

§ 4. The sums thus paid to the treasurer shall be kept by him in the city treasury subject to the disposition of the mayor and board of aldermen.

§ 5. Upon each payment made to the treasurer as aforesaid, he shall issue to the lender as many certificates of one thousand dollars each, as will amount to the sum paid to him.

§ 6. Each certificate so issued shall state that the mayor, aldermen, and citizens of the city of St. Louis, owe and promise to pay to the lender aforesaid, the sum of one thousand dollars, payable on the first day of June, eighteen hundred and seventy, with interest thereon at the rate of six per centum per annum, payable semi-annually from the date of the certificate, at such place within the United States as may be agreed on by the mayor and lender aforesaid.

§ 7. Each certificate shall be payable at such place as may be agreed on by the mayor and lender aforesaid.

§ 8. Each certificate shall be signed by the treasurer and the mayor, and countersigned by the city register, and shall have the seal also of the corporation affixed thereto.

§ 9. To each certificate shall be annexed drafts for the amount of the semi-annual interest which will become due thereon from the time the certificate is given, to the time fixed for the redemption thereof, which drafts shall be signed by the city treasurer alone, and shall be made payable to the bearer thereof.

§ 10. Each certificate shall be transferable by the holder thereof or his legal representatives by endorsement.

§ 11. The certificates issued as aforesaid shall not be redeemable by the city of St. Louis, until the first day of June in the year eighteen hundred and seventy.

§ 12. For the payment and redemption of each and every of the certificates issued as aforesaid, and for the payment of the interest which may accrue and be due on each and every of them, the faith of the city, the revenue arising from the water-works, and wharfage, the rents accruing from the market-house, and the common revenue of the city, or so much thereof as may be necessary, are hereby declared to be pledged irrevocably.

§ 13. An ordinance entitled "an ordinance authorizing a loan of money for the improvement of the city of St. Louis and for other purposes," passed January 27, 1835, and approved the 29th day of January 1835, is hereby repealed.

Passed by the board of aldermen, May 25, 1835.

JAMES P. SPENCER, *President.*

APPROVED May 26, 1835.

JOHN F. DARBY, *Mayor.*

NIGHT WATCH.

An ordinance establishing a night watch.

- Sec. 1.** Mayor authorized to employ night watch or detail patrol.
2. Persons detailed as patrol failing to attend, penalty.
 3. Duties of watchman.
 4. City constable to be captain of watch—duties.
 5. Room in market house set apart for use of the watch.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, That the mayor is hereby authorized to employ a nightly watch for the protection of the city, whenever he shall deem the measure expedient, or be required so to do by the board of aldermen; and for that purpose he may accept the services of respectable citizens, or detail from among the citizens above the age of twenty-one years, a sufficient number, each night, of able-bodied men, of good moral character, and in either case prescribe such rules and regulations for their government as may be necessary, and not otherwise provided for by ordinance.

§ 2. Any person detailed by the mayor as provided in the first section of this ordinance, failing to perform the duty enjoined on him, shall forfeit and pay for the use of the city the sum of five dollars.

§ 3. That said watchmen so to be appointed shall keep watch and ward at such stands and during such hours, and shall observe, perform and execute all such matters and things as by the rules, orders, and regulations of the mayor or board of aldermen, shall from time to time be enjoined upon them; they shall have authority to apprehend all night walkers, malefactors, rogues, vagabonds and disorderly persons, whom they shall find disturbing the public peace in an unlawful manner, and shall have authority to enter any inclosure or house within which an affray or riot may happen, and may take all disorderly and riotous persons there found into their custody: and they shall have authority to stop suspicious persons found lurking about at late hours and at unusual places, and if such persons should not give a satisfactory account of themselves, they shall be taken into custody, and in all cases of arrest, the offenders shall be detained in custody within the guard room or county jail, until an early hour of the succeeding day, when they shall be taken before the mayor, any alderman, or justice of the peace within the city of St. Louis, to be dealt with according to such ordinances of the city, or laws of the state of Missouri, as they

may have violated: and in case of any fire breaking out, or other great necessity, shall immediately alarm each other, and the inhabitants in their respective rounds; which when done, they shall repair to their respective stands, the better to discover any other fire that may happen, as well as to prevent any burglaries, robberies, felonious breaches of the peace, outrage or disorders, and to apprehend any suspected persons, who may be feloniously carrying off the goods and effects of others.

§ 4. That the city constable shall be *ex officio* captain of the watch, and shall at all times be subject to the immediate orders of the mayor concerning his duties as captain aforesaid. It shall be the duty of the captain of the watch to take care that watchmen perform their duty, and to aid them in preventing murders, burglaries, robberies, and other outrages and disorders within the city. Said captain of the watch shall once or oftener at convenient times in the night, go or send some persons to be employed by the mayor about the several wards of the city, to take notice whether the watchmen perform their duties according to the orders and regulations which are or may be made; and in case any watchman shall misbehave himself or neglect his duty, said captain shall report the same without delay to the mayor, whose duty it shall be to inquire relative to the misconduct or neglect of such watchman, and if deemed guilty may fine him twenty-five dollars; and moreover, at his discretion, immediately discharge said watchman; and it shall be the duty of the mayor to certify to the auditor, monthly, the amount due to each and every person employed under authority of this ordinance; whereupon the auditor shall issue his warrant on the treasury for the same.

§ 5. That the north-west room of the centre building on the market floor of the market house, be appropriated as a guard room, and the mayor is hereby authorized to make such alterations and improvements therein as may be necessary to render it suitable for that purpose.

Passed by the board of aldermen, May 13, 1835.

JAMES P. SPENCER, *President.*

APPROVED May 14, 1835.

JOHN F. DARBY, *Mayor.*

CITY CONSTABLE.

An ordinance prescribing the duties of the city constable, and fixing his salary.

- Sec. 1. City constable when appointed—salary.**
2. Duty of city constable.
 3. Special duty of city constable
 4. Further duties of city constable.
 5. Fees allowed to city constable on convictions.
 6. Duties of city constable respecting negroes and mulattoes.
 7. Constable to arrest drunken persons.
 8. Constable may appoint deputies.
 9. Fees of officers.
 10. Constable authorized to demand penalties of offenders.
 11. Offenders refusing to pay penalties, constable to file information.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The city constable shall be appointed in the month of March in each year, and shall receive the sum of three hundred and fifty dollars as a fixed annual salary for performing such duties as are or may be enjoined upon him, other than those arising out of prosecutions, under the ordinances of the city, or laws of the state of Missouri, to be paid quarter-yearly out of any moneys in the treasury not otherwise appropriated.

§ 2. It shall be the duty of the city constable to take all necessary measures to ascertain all nuisances which may exist within the city limits, and if declared to be so by ordinance, to cause the same to be immediately removed; and if there be no ordinance imposing a penalty, he shall cause the nuisances to be removed, and report the same to the board of aldermen as soon as may be.

§ 3. It shall also be the special and particular duty of the city constable to visit all parts of the city, to make diligent inquiry after all breaches of the ordinances of the city, and against the laws of the state relating to the city of St. Louis, and particularly such offences as may be pointed out to him by the mayor or any of the aldermen, and to report all offences to the city register, whose duty it shall be to prosecute therefor, and it shall be his duty to visit the St. Louis hospital at least three times in each week, on three several days, and see that the rules thereof are in force.

§ 4. It shall be the duty of the city constable at all times to do and perform such duties as are, or shall be enjoined on him by ordinance, or

any statute of the state, and further, it shall be his duty, at all seasons and times, to visit suspicious and disorderly houses and neighborhoods, and all parts of the city where disorder and breaches of the law are most likely to be committed, and to arrest and take into custody without warrant, all and every person who may be found in the commission of any offence against the ordinances of the city, and cause such offenders to be dealt with according to the existing ordinances and laws of the state of Missouri.

§ 5. For each and every conviction or judgment which shall be rendered against any offender or offenders for any breach of any ordinance of the city, where such conviction shall be had in consequence of an information filed, or action commenced on information of the city constable or any of his deputies, and the fine or forfeiture imposed on such offender, shall be received by the city, such constable shall receive out of the city treasury, the sum of fifty cents in addition to his legal fees, which shall be certified by the city register to the city auditor, who shall draw a warrant or warrants on the city treasury therefor, in favor of the city constable.

§ 6. That it shall be and is hereby made the special duty of the city constable, to cause to be enforced within this city, an act of the general assembly of this state concerning negroes and mulattoes, also an act concerning slaves, by causing all such free negroes and mulattoes who have not been registered as required by ordinance, and all such slaves as may be found within the city in violation of the provisions of the said act concerning slaves, to be arrested and taken before the mayor, any alderman or justice of the peace, within the city, to be dealt with as is in the acts of the general assembly aforesaid prescribed.

§ 7. It shall be the duty of the city constable to arrest without warrant, all persons who may be found in the streets of the city, in a state of intoxication, and convey them to some safe place of confinement, there to remain until they shall have become perfectly sobered.

§ 8. That the city constable, with the approbation of the mayor, may appoint one or more deputies, for whose acts he shall be responsible.

§ 9. All officers prosecuting for breaches of ordinances, shall respectively receive double the fees of magistrates and constables for similar services under the state laws.

§ 10. For all offences against the ordinances, where a specific sum is fixed as a penalty for the transgression, which may happen under the view of the city constable or his deputy, the constable or his deputy

shall forthwith demand of the offenders the amount of said penalty, and twenty-five cents as his fee in the case.

§ 11. That where there is a refusal to pay the said penalty and fee, and in all other cases of breaches of ordinances which may come to the knowledge of the constable or his deputy, he shall forthwith file an information against such offender before an officer having cognizance of the offence.

Passed by the board of aldermen, May 11, 1835.

JAMES P. SPENCER, *President.*

APPROVED, May 14, 1835.

JOHN F. DARBY, *Mayor.*

CARTS, DRAYS AND WAGONS.

An ordinance regulating carts, drays and wagons.

- SEC. 1. Penalty for leaving carts, &c. upon the streets.
2. Constable to take into possession all carts, &c. left on the streets.
3. Constable to sell carts, &c. found upon the streets.
4. Penalty not being paid for leaving carts, &c. in the streets, constable to cause suit to be instituted.
5. Owner of carts, &c. not found—proceedings.
6. Proceedings upon sales made under this ordinance.
7. Constable to account for fines collected by him.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That if any person or persons shall place or cause to be placed, or left in or upon any street, public lane, or alley, within this city, any wagon, cart, dray, sleigh, or other carriage, so that the same shall remain therein one hour after sunset, unless the same shall be actually employed in the proper use thereof, he, she, or they, so offending, shall forfeit and pay the sum of five dollars for each and every offence, one dollar of which shall go to the benefit of the city constable, and the residue into the city treasury.

§ 2. That it shall be the duty of the city constable to take into his possession all and every carriage, wagon, cart, dray or sleigh, or other carriage, which may be found in or upon any street, public lane or alley, contrary to the provisions of this ordinance, after the time mentioned in the preceding section thereof, and shall retain the same in his possession until the fine and cost shall be paid, or until the same shall be directed by competent authority to be restored to the owner.

§ 3. That the constable is directed to sell such wagon, cart, dray, carriage, or sleigh, first giving the owner reasonable notice of the seizure of the same, and pay over to the owner any money that may be left after paying the fine and costs of sale.

§ 4. That in default of payment of the fine aforesaid, it shall be the duty of the constable to cause a suit to be instituted against the owner or owners of any such carriage, cart, dray, or sleigh, if he, she, or they, can be ascertained, and may at his discretion, cause any such article to be restored to the owner, previous to the termination of any suit by him instituted or herein directed, if the ends of justice will be furthered thereby.

§ 5. That if the owner or owners of any carriage, wagon, cart, dray, or sleigh, taken by virtue of this ordinance, cannot be ascertained within ten days thereafter, it shall be the duty of the constable to cause a notice of such seizure, with the time and place thereof, and a description of the article seized on, to be published twice, at least, in some newspaper published in the city of St. Louis; and if no owner shall appear and prove the said property, to the satisfaction of the constable, within fifteen days after the second publication, the constable shall proceed to sell the same at public auction for ready money, and shall give or cause to be given, by at least six advertisements put up at six of the most public places in this city, notice of the time, terms, and place of sale; but the property so seized on shall be restored to the owner at any time previous to the sale thereof, on his making due proof of the ownership and paying the fine and all costs which may have accrued.

§ 6. That it shall be the duty of the constable after any sale as herein provided, to deduct from the proceeds thereof the fine and all costs and expense which may have accrued, and the overplus, if any, shall be by him deposited in the city treasury, subject to his order, until applied for by the person or persons entitled to receive the same, and the constable for the time being, is hereby authorized to draw on the treasury in favor of the person entitled thereto, on proof being made thereof to his satisfaction.

§ 7. That it shall be the duty of the city constable to account for all fines and forfeitures which may be received by him by virtue of this ordinance, as in other cases. Passed by the board of aldermen, May 4, 1835.

JAMES P. SPENCER, *President*.

JOHN F. DARBY, *Mayor*.

APPROVED May 12, 1835.

SUPPRESSION OF GAMBLING.

An ordinance to restrain and suppress gaming within the city of St. Louis.

- Sec. 1. Penalty on persons who set up or keep gaming tables in the city of St. Louis.
2. Penalty on persons winning or losing at gaming tables in the city.
 3. Penalty on persons suffering gaming tables to be set up in their premises within the city.
 4. Penalty on persons setting up and keeping gaming tables within the city, at which games shall be played for any thing representing property.
 5. Persons giving information of breaches of this ordinance, entitled to ten per cent. on fines.
 6. Repealing clause.

Be it ordained, by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That if any person or persons shall, within the city of St. Louis set up or keep any table or tables, commonly called A. B. C., Faro Bank, E. O. Roulette, Equality, or any other kind of gaming table or tables, at which any game of chance shall be played for money or property, or shall keep any bank as aforesaid, or induce or permit any person or persons, to bet against said bank, any person or persons so offending, shall forfeit and pay to the city of St. Louis, for the use of the St. Louis hospital, the sum of five hundred dollars.

§ 2. If any person or persons within the city shall at any time win or lose or bet any money, goods, or chattels, at any of the games played at the tables aforesaid, or at any other gaming table, or any game of cards, or any other gambling device whatever, every person so offending shall forfeit and pay to the city of St. Louis, for the use of the St. Louis hospital, the sum of twenty-five dollars; and the value of the money, goods, and chattels so won, lost, or bet, as aforesaid, shall be sued for and recovered by action of debt before the mayor, or any alderman or justice of the peace, within this city.

§ 3. That if any person or persons shall, within the city of St. Louis, suffer any of the gaming tables above enumerated, or other gaming tables, or gambling device at which any game of chance is played, or money or property won or lost, to be set up or used in his or her house, shed, out-house, barn, stable, booth, or any other place of which he or she hath at the time the possession or use, he, she or they, so offending, shall for every such offence forfeit and pay to the city of St. Louis, for the use of the St. Louis hospital, the sum of five hundred dollars; and it shall be the duty of the mayor or any alderman of this city, on information thereof, and every justice of the peace within the

same is authorized and empowered to issue his warrant to any constable within said city to have such table destroyed.

§ 4. That if any person or persons shall, within the city of St. Louis, set up, and keep, or shall keep any gaming table or tables at which any game of chance whatever shall be played, for money or property, or for any checks representing money or property, or for any device or thing representing money or property, representing any value, and shall induce or permit any person or persons to bet at such game of chance, or against said table, any person or persons so offending, shall forfeit and pay to the city of St. Louis, for the use of the St. Louis hospital, the sum of five hundred dollars for each and every such offence.

§ 5. Any person who shall make and file with the mayor, or any alderman, or justice of the peace within the city, such an affidavit as is required by the sixth section of the ordinance regulating judicial proceedings within the city of St. Louis, for the recovery of fines and forfeitures, stating that any other person has committed a breach of this ordinance, shall be entitled to demand and have ten per centum of such money as may be actually collected from such offender in the action which is founded upon the affidavit so made.

§ 6. All ordinances or parts of ordinances contradictory to, inconsistent with, or coming within the provisions of this ordinance, are repealed.

Passed by the board of aldermen, May 11, 1835.

JAMES P. SPENCER, *President.*

APPROVED, May 14, 1835.

JOHN F. DARBY, *Mayor.*

NEGROES AND MULATTOES.

An ordinance to restrain the assemblage of negroes and mulattoes.

- SEC. 1. Negroes and mulattoes forbidden to have balls or religious assemblies after certain hours and times.
2. Penalty on free negroes and mulattoes violating the preceding section.
 3. Slaves attending assemblages of negroes and mulattoes without permit—how punished.
 4. Penalty on white persons associating with negroes or mulattoes in the night time.
 5. Owner of slaves convicted under this ordinance responsible for costs.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. No negro or mulatto, bond or free, shall be permitted to give or

have any ball, dance, or religious assemblage which shall be held or continued later than nine o'clock at night, from the first day of October to the thirty-first day of March, nor after ten o'clock at night from the first day of April to the thirtieth day of September.

§ 2. Any free negro or mulatto who shall give, or have, or continue at any ball, dance, or religious assemblage which shall be commenced or continued, after the hour aforesaid, shall forfeit and pay for the use of the city of St. Louis, the sum of five dollars for each and every every offence.

§ 3. Any slave who shall attend any assemblage of negroes or mulattoes in the night season without a written permit from his or her master, or, having such permit, shall continue at such assemblage, whether it be for religious purposes or otherwise, after the hour mentioned in the first section of this ordinance, shall receive no less than five nor more than fifteen lashes, on his or her bare back, to be inflicted by order of the tribunal before which the conviction shall be had, and the owner or owners of said slave shall pay all the costs attendant thereon: but if the owner or owners of any such slave shall pay the sum of two dollars as a fine, besides costs aforesaid, then the said punishment shall be remitted.

§ 4. If any white person over the age of sixteen years, shall be found associating with negroes or mulattoes, or both, at any ball, or dance, at any time in the night season, such person or persons so offending shall forfeit and pay for every such offence the sum of five dollars; and if the person convicted aforesaid be over the age of twenty-one years, shall moreover be imprisoned for any term of not less than one hour, nor more than two days, at the discretion of the tribunal before which he may be tried.

§ 5. The owner or owners of any slave or slaves who may be convicted under this ordinance, shall, before the said slave or slaves be discharged from custody, pay or cause to be paid to the constable or other officer in whose custody he, she or they, shall be, or the officer before whom the conviction shall be had, all costs which may have accrued, and be justly chargeable, and on neglect or refusal so to do, the constable or other person in whose custody said slave or slaves may be, is authorized and empowered to commit such slave or slaves so convicted, as afore-

said, to prison, there to remain until the costs theretofore incurred, and the expense of said imprisonment shall be fully paid.

Passed by the board of aldermen, May 11, 1835.

JAMES P. SPENCER, *President.*

APPROVED, May 14, 1835.

JOHN F. DARBY, *Mayor.*

THE REVENUE AND TAXES.

An ordinance regulating the revenue and taxes of the city.

CHAPTER I.

Of the Assessor.

- Sec. 1. Assessor, when and how appointed.
2. Compensation of assessor.
3. Assessor to make assessment within thirty days after qualification.
4. All property liable to taxation to be assessed to owner.
5. What property shall be assessed.
6. Assessor to return assessment list within forty days.
7. Meeting of board of aldermen to be called after return of assessment list—board to sit as a court of appeals.
8. Holders of property to deliver lists to assessor on oath.
9. Census to be taken by assessor.
10. Census, how to be taken.
11. Census to be returned to the mayor.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of St. Louis,* That it shall be the duty of the board of aldermen, in the month of March in each year, to nominate, and the mayor to appoint a suitable person to be assessor, who shall perform all the duties which may be required of him by ordinance, resolution or order of the board of aldermen.

§ 2: That the assessor shall receive as a compensation for his services as such, out of any moneys not otherwise appropriated, the sum of two dollars per day for each and every day he shall be actually employed in making and completing the said assessment.

§ 3: That the assessor so appointed, shall proceed within thirty days from the time of his appointment and qualification, to make a regular assessment of all the taxable property hereinafter enumerated, and that he make a complete return of such assessment to the register of the city, within forty days thereafter.

§ 4. That all property liable to taxation, as aforesaid, shall be assessed to the person owning the same, on the first day of April, in each and every year.

§ 5. That the assessor shall proceed to assess the following property within the limits of the city, to wit: all vacant lots, houses and lots and out lots, all distilleries, breweries and tanyards, all slaves, horses, mares, geldings, asses and mules of the age of four years and upwards, and all neat cattle above the age of three years, all vehicles of pleasure or convenience, all watches and appendages, and all household furniture, where the value thereof, belonging to any individual, shall exceed the sum of one thousand dollars, excepting from such assessment such household furniture, watches and appendages, and vehicles of pleasure or convenience, as are kept for sale by the regular trader or manufacturer thereof.

§ 6. That the said assessor shall, within forty days after his qualifying as aforesaid, make a return of property, the nature or species whereof is mentioned in this ordinance, describing in his said assessment list, the street or streets on which any real estate by him assessed lies, together with the number of the block, and the number of the house, (if any) in said block, and the names of the owners, and also the name or names of the person or persons owning or possessing any personal property made taxable by this ordinance, together with a description of such property, and the amount at which the same has been assessed. And it shall be the duty of the said assessor, to return, at the same time, a list of all able-bodied free male persons above the age of twenty-one years, and under the age of forty-five years, who shall pay a poll tax of thirty-seven and a half cents each.

§ 7. That after the return of the assessment list, as aforesaid, the mayor shall call a meeting of the board of aldermen, to hear and determine all appeals from the assessment of said assessor, and he shall also give notice, by a publication in the newspapers of the city, of the time and place of hearing such appeals, which notice shall be at least fifteen days before the meeting of the board. And the board of aldermen having decided upon such appeals, and corrected the list accordingly, shall declare the per centum to be collected thereon; and the list so corrected, shall be certified under the seal of the corporation to be the tax list of the current year, and being signed by the president of the board, and attested by the register, shall be sufficient authority for

the city collector to collect the sum or sums charged to each individual therein.

§ 8. That the holders of property within the limits of the city, shall deliver to the assessor, upon oath, (if required,) a list of their property made taxable by this ordinance; and upon a failure or refusal to give in such lists, it shall be the duty of the assessor, upon discovery of any property, other than that thus given in, to assess the same to double the value thereof.

§ 9. That it shall be the duty of the assessor of the city of St. Louis, for the year one thousand eight hundred and thirty-five, and in every second year thereafter, to take a census and enumeration of all the inhabitants of this city, distinguishing the free white males from the free white females, and the free persons of color from slaves, and those bound to service for a term of years, and shall designate in separate columns, those under ten years of age, those of ten and under eighteen, those of eighteen and under twenty-one years, those of twenty-one and under forty-five years, and those of forty-five and upwards.

§ 10. That the said assessor shall take the said census and enumeration in such manner as to show the number of the inhabitants, in each and every block within this city separately, and in each and every ward thereof, as they now are, or may hereafter be laid off, and shall designate each block by the number thereof, as laid down on the plat of the city, and also by the names of the streets bounding the same, and shall also set out in figures and in words at length, the total number of persons in each ward, and also the total number within the limits of the city.

§ 11. That it shall be the duty of the assessor, within sixty days after he shall have been qualified as such, to make to the mayor of the city a return of said census and enumeration, subscribed and certified by him; and it shall be the duty of the mayor to cause the same to be laid before the board of aldermen, at the next meeting after he shall have received the same.

CHAPTER II.

Of the Collector.

- SEC. 1. Collector, when and how appointed—to take oath and give bond. Compensation—penalty.
2. Duties of collector in relation to tax lists.
3. Taxes unpaid, collector how to proceed.
4. Collector to make lists of sales made for taxes.

5. Collector not to purchase property sold by him for taxes.
6. Property sold for taxes, how redeemed.
7. Collector to pay over all moneys by him collected.
8. Collector paying over, to state on what account the same has been collected.

§ 1. *Be it further ordained*, That the board of aldermen shall yearly appoint a suitable person to the office of city collector, who shall, previous to entering on the duties of his office, take an oath, faithfully to discharge the duties of his office, and enter into bond, to be approved by the board, in a sum sufficient to secure all moneys which may be collected by virtue of his office of collector, which bond shall be made to the mayor, aldermen and citizens of the city of St. Louis, for the use of the same, and conditioned that said collector will faithfully discharge the duties of collector of the city of St. Louis, and pay over to the city treasurer, all moneys by him collected, at the times when by ordinance he is required to pay over the same. The said collector shall receive as a compensation for his services, at the rate of two and a half per centum on all moneys by him collected and accounted for, as aforesaid, whether in cash, auditor's warrants, or refunding certificates: and upon the neglect or refusal of the collector to pay over or account to the city treasurer, for any money by him collected, according to the provisions of this ordinance, such collector, being thereof convicted, shall pay to the use of the city, five per centum per month upon all sums by him collected and not accounted for.

§ 2. That the collector shall, within ten days after receiving his collection list, give notice in one of the newspapers printed in the city, that the taxes for that year have become due and payable, and which notice shall be published for two weeks successively, and shall state the place at which the said taxes will be received by him; and if any person shall not attend according to such notification, it shall be the duty of such collector to apply once at the dwelling house of every such person, or his or her agent, and there demand the taxes payable by such person, and if the taxes shall not then be paid, or within ten days thereafter, said collector shall proceed to collect the said taxes by distress and sale of the goods, chattels, and effects of such delinquent, excepting from such distress, the arms, accoutrements, necessary wearing apparel and bedding of such delinquent and his family, and upon the payment of any tax, the collector shall give to the person making the same, a receipt for said tax.

§ 3. That whenever the taxes aforesaid, or any part thereof, shall

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be unpaid, and sufficient goods, chattels, and effects, cannot be found to satisfy the same, the collector shall cause notice to be given to all delinquents or their agents, by handbills, (printed or written,) put up at six of the most public places in the city of St. Louis, containing a list and complete description of all property upon which a tax remains due and unpaid, the name of the person to whom charged, and the amount of the tax, or such part of the same as remains unpaid, and notifying such delinquents, that unless the taxes on said property, together with six per centum on the same, for the use of the collector, be paid on or before a day therein mentioned, which shall not be less than thirty days from the day of setting up such notices, the property therein mentioned will then be sold, at the court house door of the county, to satisfy the taxes due thereon, and ten per centum in addition thereto; and for all delinquencies in the payment of taxes on real estate, due by non-residents, the notice aforesaid shall be published in one of the public newspapers printed in the city, for thirty days previous to the day of sale, and the same proceedings shall be had as above provided; and if the taxes on any lot or parcel of ground, with six per centum aforesaid, be not paid before the day appointed for the sale thereof, the collector shall sell, at public auction, at the time and place in said notice mentioned, so much of each lot or parcel of ground, as will be sufficient to pay and satisfy all taxes due and unpaid thereon, with the addition of ten per centum on the same, for the use of the collector; and if any lot or parcel of ground thus taxed and offered for sale, cannot be sold for the amount due thereon, with the additional per centum, the collector shall bid them off to the city; and where part only of a lot or parcel of ground shall be sold, the same shall adjoin one of the outlines or corners of the lot or parcel of ground thus taxed, so as not to include an improvement, if to be avoided, and a designation of the part so sold, shall be made by the collector at the time of the sale; and the said collector shall deliver to the purchaser, (or to the register, if bought for the use of the city,) a certificate of such sale; and from and after the time of such sale, the lots and parcels of ground so sold, shall be assessed, and the taxes paid by the purchaser.

§ 4. That it shall be the duty of the collector, immediately after each sale for taxes, as aforesaid, to make out a list of sales by him made to individuals, (or to the city,) specifying the name of the person to whom sold, describing the property on which the tax was unpaid, and the part sold, (as particularly as is in the list of the taxable property to be

delivered by the assessor,) the date of the sale, and the amount for which it was sold. The said list shall be deposited with the register of the city, and be by him kept in his office, for the inspection of all persons interested.

§ 5. That the collector shall not, either directly or indirectly, be concerned in the purchase of any property sold for taxes, under the penalty of five hundred dollars, to be recovered before any court having competent jurisdiction, the one half thereof to the use of the city, and the other half to the use of the person suing for the same.

§ 6. That when any real estate shall be sold for taxes, as aforesaid, the owner, his executors and administrators, or any person in his or her behalf, shall have liberty to redeem such estate, so sold as aforesaid, at any time within two years after the time of sale, upon payment to the collector of the city of St. Louis, for the time being, for the use of the purchaser, his heirs or assigns, the amount paid by such purchaser, with interest at the rate of thirty-three and a third per centum per annum on the whole, calculating the same from the time the payments were made, to the time of redemption; and all city taxes that have subsequently accrued on said lot or lots, or estate, and then in arrears and unpaid; and upon such payment being made, such collector shall deliver to the person making the same, a receipt for the use of the purchaser, and a like receipt for the amount received, for the use of the city, and shall also grant to the person so redeeming, a certificate reciting the sale to the purchaser, and such redemption; and henceforth the said certificate shall be as effectual in restoring to all parties interested, all the right, title, claim and interest, which they had previous to said sale, as if the same had not been sold, and the property thereafter shall be assessed and taxed accordingly, saving and reserving to persons of unsound mind, minors, married women, and persons residing out of the United States, the right of redeeming as aforesaid, within two years after their respective disabilities shall be removed: and if the property sold under the provisions of this ordinance, shall not be redeemed in the manner hereinbefore pointed out, it shall be the duty of the collector for the time being, to make and execute a deed for the same to the purchaser, or to the city, if purchased for their use, as aforesaid.

§ 7. That the collector shall, every thirty days, pay over to the city treasurer, the amount of all moneys collected by him, for, and on account of the city. That whenever the collector shall claim a credit

for delinquents, he shall exhibit a list thereof to the board of aldermen, and the sum by them allowed, shall be certified by the register, to the city auditor, who shall, thereupon, enter a credit for the amount to such collector.

§ 8. That the collector and other city officers, who may collect any part of the city revenue, in all payments to be made by them into the treasury, shall state for what the same has been received; and the auditor shall charge the amount to the city collector or other city officers.

CHAPTER III.

Of Licenses.

- SEC. 1.** Taxes on lottery tickets sold within the city.
2. Merchants and others to obtain licenses from collector.
 3. Register to issue blank licenses, and certify the amount to auditor.
 4. Licenses, how obtained.
 5. Tax on licenses—proviso.
 6. Penalty on persons doing business without license.
 7. Tax on auctioneer's licenses.
 8. Tax on theatres, showmen, &c.
 9. Retailers of wines and spirituous liquors, who declared to be.
 10. Retailers of wines and spirituous liquors to obtain license—tax to be paid by them.
 11. Tavern keepers to obtain license—penalty for not obtaining license.
 12. No person permitted to sell liquors by less quantity than a quart, without *tippling house license*—penalty.
 13. Tax on nine-pin alleys.
 14. Register to keep an account of licenses granted to theatres, &c. and certify the same to the auditor—proviso.

§ 1. *Be it further ordained,* That there shall be levied, on all lottery tickets sold within the limits of the city of St. Louis, a tax of one fourth of one per cent. on the proceeds of such sale: and in order to ascertain the per centum hereby intended to be levied, it is made the duty of all and every person engaged in the sale of lottery tickets within the limits of the said city, to exhibit or cause to be exhibited, semi-annually to the collector, on application, a statement under the oath of such seller, to be by him subscribed, showing the number of tickets sold, the lottery for whose benefit the same were sold, and the amount of such sales, under the penalty of one hundred dollars for each and every neglect or refusal to make out and exhibit such statement, to be recovered by action of debt, before any court having competent jurisdiction.

§ 2. That every vender of merchandise, auctioneer, retailer of wines and spirituous liquors, hawker or pedlar of merchandise within the limits of the city of St. Louis, licensed under existing ordinances of the said city, and desiring to continue to be venders of merchandise, auctioneers, retailers of wines and spirituous liquors, or hawkers or pedlars of merchandise, at the expiration of the time limited in such license, and every other person, who, not being licensed as aforesaid, shall, after the passage of this ordinance, be a vender of merchandise, auctioneer, retailer of wines and spirituous liquors, hawker or pedlar of merchandise, as aforesaid; and every person who, after the third day, shall become or intend to become a vender of merchandise, auctioneer, retailer of wines and spirituous liquors, hawker or pedlar of merchandise as aforesaid, shall, before beginning to exercise their particular trade or business, as aforesaid, apply for, and obtain from the collector, a license to that effect.

§ 3. That it shall be the duty of the register of the city, to issue as many blank licenses for venders of merchandise, retailers of wines and spirituous liquors, and auctioneers and pedlars, as the mayor shall direct. The said license shall be in the name of the mayor for the time being, under the seal of the corporation, and signed by the mayor; and shall be, as near as may be, in the form following, to-wit:

City of St. Louis, ss:

I, A. B. mayor of the city of St. Louis, to all who shall see these presents, greeting:

KNOW YE, That ——— having, on the ——— day of ——— in the year of our Lord ——— paid to the collector of the city of St. Louis, the sum of ———, being the semi-annual tax imposed on him as a vender of merchandise: therefore the said ——— is hereby authorised to vend merchandise at any one place within the said city, for six months, ending the ——— day of ——— next.

IN TESTIMONY WHEREOF, I, the said A. B. have hereunto set my hand, and caused the seal of the corporation to be affixed; this ——— day of ——— 18 ———

A. B. Mayor.

Granted this ——— day of ——— 18 ———

C. D., Collector.

And the said register shall in like manner, issue as many blank licenses, under the seal of the corporation, and signed by the mayor as aforesaid, as the said mayor shall direct, which shall be in like form, as aforesaid, with such alterations as will express the same to be a license to peddle merchandise, retail wines, and spirituous liquors, and auction-

eers; and the said register shall deliver to the collector of the city the said blank licenses, and certify the amount to the city auditor, who shall charge him therewith; and the register shall moreover be entitled to a sum of one dollar on each license thus issued, to be paid by him, her or them, obtaining the same.

§ 4. That any person, firm, or co-partnership, applying for a license to vend merchandise, shall, previous to obtaining the same, state to the collector of the city, upon oath or affirmation, if required, the amount of capital stock used in trade by him, her or them, within the limits of the city; and thereupon, it shall be the duty of such collector (the license money and the fee of the register being first paid to him by such applicant or applicants,) to grant him, her or them, a license as a vender or venders of merchandise.

§ 5. That there shall be levied and collected, on each license to venders of merchandise, for the term of one year, the following rates, viz: on every license granted to every vender of merchandise, using in trade a capital stock of forty thousand dollars and upwards, one hundred dollars; of thirty thousand and less than forty thousand, seventy-five dollars; of twenty-five thousand and less than thirty thousand, sixty-two dollars and fifty cents; of twenty thousand and less than twenty-five thousand, fifty dollars; of sixteen thousand and less than twenty thousand, forty dollars; of twelve thousand and less than sixteen thousand, thirty dollars; of ten thousand and less than twelve thousand, twenty-five dollars; of eight thousand and less than ten thousand, twenty dollars; of six thousand and less than eight thousand, fifteen dollars; of four thousand and less than six thousand, ten dollars; and all capitals under four thousand, seven dollars and fifty cents: *Provided*, That the collector may, at the option of the applicant or applicants, grant a license for the term of six months, for one half of these rates.

§ 6. That if any vender of merchandise within the limits of the city, shall prosecute his business without having first obtained a license, and paid the per centum required by this ordinance, he shall pay to the use of the city, the sum of five hundred dollars. And every hawker or pedlar who shall follow his business within the limits of the city, without first obtaining a license therefor, shall pay as a penalty, the sum of seventy-five dollars.

§ 7. That there shall be levied and collected, on all licenses to auctioneers, to be granted semi-annually as aforesaid, a sum of twenty-

five dollars; and every person exercising the trade or business of an auctioneer, without having first obtained such license, shall forfeit and pay to the use of the city, exclusive of the license money, a sum of five hundred dollars, to be recovered by action of debt, before any court having competent jurisdiction thereof.

§ 8. That every manager of a theatre, or any person or persons concerned or engaged in a theatre, or theatrical exhibitions, musical parties for gain, equestrian exercises or feats of horsemanship, rope and wire dances, puppet shows, legerdemain, shows of wax figures, shows of wild beasts, or any other shows, coming within the meaning of this ordinance, whose company shall perform before the public of this city, or whose exhibitions or performances shall be made public, with a view of gain, every such person or persons shall apply to the mayor of the city, for a license to perform and exhibit, or cause to be performed and exhibited as aforesaid, previous to the granting of which, the applicant shall have paid to the city treasurer, a sum of not less than five dollars, nor more than one hundred dollars, in specie, at the discretion of the mayor, and a further sum of one dollar to the register, for affixing the seal of the city to the same. The said license so granted, shall not be transferable, and shall authorize the holder thereof, to exhibit and perform, as aforesaid, for the period of a season, or three months from the day of the date thereof; and every such manager, person or persons, who shall so exhibit, perform and show, as aforesaid, without having previously paid the license money aforesaid, and obtained the said license, he, she, or they, so offending, and being thereof convicted, shall pay to the use of the city, for every day he or she shall show or exhibit or perform, a fine of not less than five, nor more than one hundred dollars, to be recovered by action of debt, before any tribunal having jurisdiction thereof.

§ 9. That any person who shall deal in the selling of wines, in a less quantity, or in less quantities, at one time, than thirty gallons, shall be deemed to be, and hereby is declared to be, a retailer of wines, within the meaning of this ordinance; and every person who shall deal in selling any distilled spirituous liquors, in less quantities than twenty gallons, at one time, shall be deemed, and is hereby declared to be, a retailer of spirituous liquors: *Provided*, That nothing herein contained shall extend to physicians, surgeons, apothecaries, chemists, or to any wines or spirituous liquors which they may use in the preparation or making up medicines for the sick, lame or diseased persons only, or

to the sale of distilled spirits, sold in quantities of not less than one quart, at the place where the same shall have been distilled.

§ 10. That every retailer of wines and spirituous liquors, as aforesaid, shall, before he, she or they, begin to sell and retail, as aforesaid, any wines or distilled spirituous liquors, obtain a license for retailing and selling as aforesaid, for which said license he, she or they, shall pay a semi-annual tax of ten dollars, and a further sum of one dollar for the use of the register, which said license shall extend to the term of six months, and shall not be transferable; and every person selling and retailing wines and spirituous liquors, as aforesaid, without having previously paid the license money, as aforesaid, and taken such license, shall, on conviction thereof, pay to the use of the city, exclusive of the license money aforesaid, a sum of fifty dollars, to be recovered by action of debt, before any tribunal having competent jurisdiction of the same; and every person who, by color of the said license, shall retail wines and spirituous liquors in more than one place at the same time, shall be deemed a retailer of wines and spirituous liquors without license, and shall be dealt with as above provided for retailers without license.

§ 11. That every tavern keeper within the limits of the city shall apply to the mayor for a license, he paying therefor, as license money, twenty-five dollars, the applicant producing to him the receipt of the city collector for such amount, and an additional sum of one dollar for the use of the register; he shall grant such applicant the said license, which shall not be transferable, and shall extend for a period of six months; and every person who shall keep a tavern as aforesaid, without having previously obtained the said license, shall, on conviction, pay to the use of the city, as a fine, a sum of fifty dollars, to be recovered by action of debt, before any tribunal having jurisdiction thereof; and every person who, by color of such license, shall keep tavern in more than one place at a time, shall be deemed a keeper of a tavern without license, and be dealt with as above provided.

§ 12. That no person (tavern keepers excepted) shall be permitted to sell and retail any spirituous or other liquors, in less quantity than a quart or bottle, nor suffer any such liquor, in quantities above mentioned, to be drunk in his, her or their house, booth or shed, without having previously obtained a semi-annual license to that effect, to be denominated a license to keep a *tippling house*. for which he, she, or they, shall pay to the collector of the city the sum of twenty-five dollars; and

every person who shall so sell and retail spirituous liquors without license, or who, having obtained a license, shall, under color of the same, sell and retail at more than one place at the same time, shall, on conviction thereof, pay as a fine, to the use of the city, a sum of one hundred dollars, to be recovered by action of debt, before any tribunal having jurisdiction thereof; and it shall be the duty of the register to keep a regular account of all licenses granted to tippling houses, and the amount of license moneys taxed thereon.

§ 13. That there shall be levied, on all nine-pin alleys, (without regard to the number of pins,) an annual tax of ten dollars; and on all shuffle boards, a tax of five dollars, to be paid to the collector; and in case of neglect or refusal to pay the same, on demand, such person or persons, keeper or keepers of the said alley or board, shall pay as a fine to the use of the city, a sum of not less than ten dollars nor more than fifty dollars, to be recovered as aforesaid.

§ 14. That it shall be the duty of the register, to keep an account of all licenses granted to tavern keepers, keepers of billiard tables, managers of theatres, musical parties for gain, equestrian exhibitions, rope and wire dancers, puppet shows, legerdemain shows, wax figure shows, shows of wild beasts, or any other shows, coming within the meaning of this ordinance, and the amount of license moneys taxed thereon, and shall certify the amount thereof to the auditor, who shall charge the collector therewith: *Provided, however,* That nothing in this ordinance shall be so construed as to effect any license or taxes now due and unsettled, and that any and all such licenses and taxes shall be settled and adjusted agreeably to the ordinances in force when they became due.

Passed by the board of aldermen, March 24th, 1835.

JAMES P. SPENCER, *President pro tem.*

APPROVED, March 28, 1835.

JOHN W. JOHNSON, *Mayor.*

S

WATER WORKS.

*An ordinance for the appointment of a superintendant of the water works,
and for other purposes.*

CHAPTER I.

Of the Superintendent.

- SEC. 1. Superintendant of the water works to be appointed—tenure of office
2. Rates of prices for use of the water from the water works.
 3. No person to use water from the works without license.
 4. Licenses, how obtained
 5. Duties of register in relation to applicants for water.
 6. Applicants entitled to license on payment of tax.
 7. Collector to notify superintendant, who shall furnish water.
 8. Superintendant may fix the price of water where not fixed by ordinance.
 9. Register to certify amount of licenses to auditor monthly.
 10. Collector to make monthly payments of moneys collected.
 11. Licenses not taken by applicants, to be returned
 12. Compensation of collector.
 13. Licenses to embrace certain conditions.
 14. Hydrants and pipes to be paid by applicants for water.
 15. Penalty on persons suffering water to be used by those not authorized.
 16. Proceedings against persons violating this ordinance.
 17. Penalty on persons injuring or deranging water works.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. There shall be appointed by the mayor, by and with the advice and consent of the board of alderman, one person, as superintendant of the water works of the city of St. Louis; who shall hold his office for the term of one year, and until his successor be appointed and qualified. And the said superintendant shall be entitled to receive, as a compensation for his services, at the rate of eight hundred dollars, per annum, to be paid quarterly.

§ 2. The following rates a year shall be paid for the use of water works of this city:

For each private family not exceeding eight persons in number, at the rate of ten dollars.

For a family of nine and not exceeding sixteen persons, at the rate of fifteen dollars.

For each family exceeding sixteen persons, at the rate of twenty dollars.

For each tavern, hotel or public house, at the rate of not less than fifty, nor more than one hundred and fifty dollars.

For each private boarding house at the rate of not less than ten nor more than one hundred dollars.

For each livery stable, at the rate of not less than fifty nor more than one hundred and fifty dollars.

For each blacksmith's shop or foundry, at the rate of not less than ten, nor more than two hundred dollars.

For the supply of any store, shop, office or other establishment, any sum not less than at the rate of ten nor more than five hundred dollars.

§ 3. No person shall use water from the water works without having a license for that purpose.

§ 4. Any person wishing to obtain a license to use the water from the waterworks, shall apply to the superintendent of the water works, who shall certify to the register for what purpose and term the applicant shall have contracted for, with the sum contracted to be paid therefor.

5. The city register shall procure and keep in his office a suitable book in which he shall enter the name of every applicant for a license to use the water, the purpose for which the water is to be used, the length of time for which it is to be used, and the sum required to be paid by the applicant, and the register shall thereupon issue to the applicant a license to use the water, in conformity with the entry made on his book as aforesaid, which license shall be delivered by the register to the collector of the city revenue.

6. Upon payment to the collector, of the amount mentioned in the said license, the applicant shall be entitled to receive such licence and use the water from the water works in conformity with the provisions of the license.

§ 7. Upon payment to the collector, as mentioned in the preceding section, it shall be his duty to notify the superintendent of the water works thereof, and the superintendent shall thereupon furnish and lay the hydrants and pipes necessary to furnish the water to the person licensed to use the same.

§ 8. The superintendent shall have power to fix the amount to be paid by any applicant for a license, where the amount thereof is not fixed by this law, subject, however, to the approval or disapproval of the board of aldermen.

§ 9. The register shall certify monthly to the city auditor, the amount of licenses placed in the hands of the collector, the persons to whom

granted; and for what time granted; and the auditor shall charge the collector therewith.

§ 10. The collector shall make monthly payments to the treasurer of all moneys received by him upon licenses issued and placed in his hands as aforesaid, and take duplicate receipts therefor, one of which shall be delivered to the auditor, who shall credit said collector and charge the treasurer with the amount thereof.

§ 11. If any license placed in the hands of the collector, shall not be taken by the person applying for the same within one month thereafter, it shall be lawful for the collector at the time of his next monthly payment, to return such license to the auditor, who shall deduct the amount thereof from the amount to be paid by him upon such settlement.

§ 12. The collector shall be entitled to receive for his services the same per centum as is, or may be allowed for the collection of city taxes.

§ 13. The register shall cause such conditions to be embraced in all licenses issued by him, as shall secure the performance of the requisitions of this ordinance.

§ 14. The necessary hydrants, and furnishing and laying the pipes required for the conveyance and delivery of the water from the main pipe or conduit to the place where the water is intended to be delivered, shall be made at the proper cost and expense of the person, or persons, requesting or causing the same to be done; and no pipe or other fixture for the conveyance of water, shall be permitted to be placed in communication with the water works of this city, under any pretence whatever, unless the same shall be done under the control and direction of the superintendant aforesaid, or of the mayor and aldermen of this city, under the penalty of fifty dollars, to be recovered by action of debt before any tribunal having jurisdiction thereof.

§ 15. Should any person who is entitled to receive water from the water works, cause or suffer any person or persons, other than his or her own family, or for his or her own immediate use, to be furnished or supplied with water contrary to the true intent and meaning of this ordinance, and being thereof convicted, the person or persons so offending, shall thereby forfeit all right, under said license for the further supply of water, and the superintendant of the said water works is authorized and empowered, and it is hereby made his duty, to declare such license at an end.

§ 16. The said superintendant is hereby empowered to prosecute for

all breaches of this ordinance, and in all prosecutions, as aforesaid, he shall give, or cause to be given, a notice in writing, stating the time when, and place where, the trial for such offence will be had; and shall also give therein a brief statement of the cause of action; which notice may be served by said superintendant, or by the city constable, by delivering to the defendant a copy thereof, or reading the same to him, or by leaving a copy thereof at his or her usual place of residence, with some white person of his or her family, over the age of fifteen years, at least twenty-four hours previous to the time of trial; and in case the defendant shall neglect or refuse to appear, as required by said notice, proceedings may be had against him *ex parte*: *Provided*, that for cause shown, the trial of any case may be continued, or one new trial may be granted, at the discretion of the mayor aldermen or justice of the peace, before whom such case may have been brought; and *provided, also*, that the application for a new trial shall be made within five days after trial shall have been had, and not otherwise.

§ 17. Any person or persons who shall mischievously or maliciously draw out any of the fire plugs belonging to the water works of this city, or shall let out the water from any of the hydrants attached thereto, with intent as aforesaid, or shall wilfully and maliciously injure any part of said water works, or who shall cause or procure the same to be done, he, she or they, so offending, shall forfeit and pay, for the use of the city of St. Louis, the sum of fifty dollars for each and every offence, to be recovered by action of debt, and shall moreover be liable for all damages sustained thereby.

CHAPTER II.

Miscellaneous Provisions.

- Sec. 1. Persons using water for uses other than those stipulated in their license, to forfeit a penalty.
2. Penalty on persons making untrue statements of the number of their family, and not giving notice of increase in their family.
3. Licenses to be taken out for increased numbers in families.
4. Penalty for violation of preceding section.
5. Penalty on persons using water when not authorized.
6. Penalty on persons suffering their hydrants to be uninclosed.
7. Penalty on persons leaving hydrants open.
8. Repairs of hydrants, at whose expense made.
9. Owners and slaves guilty of breach of this ordinance, who responsible.
10. Repealing clause.

§ 1. If any person or persons, who are or may be entitled to a supply of water from the water works of this city, for his, her, or their families, shop, stable, or for other uses or purposes, shall use the said water,

or procure or suffer the same to be used for any other purpose or use than is stipulated in said license, according to the true intent and meaning thereof, he, she or they so offending, shall forfeit and pay, for each and every such offence, the sum of five dollars, for the use of the city of St. Louis.

§ 2. If any person or persons shall give an untrue statement of the number of his, her or their family at the time of, or preparatory to, making application for their supply of water from the said works, with intent to deceive the superintendant of said water works, or whose family shall have been or may be enlarged, after the obtaining a license, over the number named to be supplied, and shall not give notice thereof to the said superintendant, within ten days after such enlargement shall have taken place, he, she or they shall forfeit and pay, for each and every offence, the sum of ten dollars for the use of the city of St. Louis:

§ 3. If the number of persons shall be increased in the family of any person licensed to use the water from the water works, it shall be the duty of such person to take out a license for such increased number, in conformity with the provisions of this ordinance.

§ 4. Any person failing to comply with the provisions of the foregoing section, shall forfeit and pay for the use of the city, not exceeding fifty dollars.

§ 5. If any person or persons not entitled to a supply of water from the works of this city, shall take from, or cause to be taken, or procured in any manner whatsoever, any water from said water works, or from any hydrant, pipe, conduit, or other fixture or conveyance in connection therewith, or shall water, or cause or procure to be watered from said works, or from any conveyance in connection with the said works, any horse or other animal, he, she or they shall forfeit and pay, for each and every offence, the sum of five dollars, for the use of the city of St. Louis.

§ 6. If any person or persons, who shall be entitled to a supply of water from said water works, for the use of his, her or their family, shall permit the hydrant erected for his, her or their use to remain unenclosed for thirty days after such hydrant shall have been erected, or who shall, after such enclosure shall have been made, suffer or permit the same to be removed, so as to leave the said hydrant uninclosed, he, she or they so offending, shall forfeit all right to such supply under his license, at the discretion of the superintendant.

§ 7. If any person or persons whomsoever, shall open, or cause to be opened, or who shall leave or cause to be left open any hydrant or hydrants, so that any unnecessary waste of water shall be occasioned thereby, he, she or they so offending, shall forfeit and pay, for each and every offence, the sum of five dollars, as a fine for the offence aforesaid.

§ 8. All repairs which may become necessary in any pipe or hydrant, shall be made at the proper cost and charge of the person or persons who shall have caused or procured the same to be laid, or erected, or in whose charge, care, custody, or occupancy, the same shall then be in.

§ 9. If any minor, or slave shall be guilty of any of the offences enumerated in this ordinance, the parent, guardian, or master of said minor or master of such slave, shall be liable for the payment of all fines and forfeitures imposed therein and thereby, and for all costs imposed therein and thereby, and for all costs in prosecuting the same.

§ 10. All ordinances or parts of ordinances, contrary to, inconsistent with, or coming within the purview of this ordinance, are hereby repealed.

Passed by the board of aldermen, March 30, 1835.

HUGH O'NEIL, Jr. *President.*

APPROVED, March 31, 1835.

JOHN W. JOHNSON, *Mayor.*

ORDINARIES, HUCKSTERS AND HAWKERS.

An ordinance for taxing, licensing and regulating ordinaries, hucksters and hawkers.

- Sec. 1. Ordinaries to be taxed—proviso.
2. Hucksters to be taxed—proviso.
3. Hawkers and pedlers to be taxed—proviso.
4. Ordinaries, hucksters and pedlers to obtain license—penalty for neglect.
5. Licenses not to be granted, except to certain persons.
6. Form and manner of licenses—amount of tax.
7. Penalty on keepers of ordinaries and hucksters' shops who keep disorderly houses.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That all houses, cellars, booths, sheds, and permanent and temporary stands, within said city, whereat, or in which the owners or occupiers thereof, shall sell or retail any articles of meat and drink for present use, there to be used and eaten, or of articles of cooked or

prepared food by the meal or luncheon, or in any smaller or larger quantities, to be there eaten, used or consumed, shall be deemed and taken to be ordinaries, within the meaning of this ordinance, and the owners, keepers and possessors thereof, shall be deemed and taken to be keepers of ordinaries: *Provided, however,* That no licensed tavern, or regular boarding house, where food is only prepared for and consumed by regular and constant boarders only, shall not be deemed an ordinary within the meaning of this ordinance.

§ 2. That every house, cellar, booth, shed and permanent or temporary stand within the city, whereat, or in which the owner or occupier thereof shall sell or expose to sale, any raw flesh, fresh fish, fowls, eggs, butter, lard, honey, domestic green fruit, melons, or vegetables, shall be deemed and taken to be a huckster's shop, and the owner, occupier, or keeper thereof, shall be deemed and taken to be a huckster, within the meaning of this ordinance: *Provided,* That the selling, retailing, or exposing to sale, any of said articles before enumerated, by any person who may or shall have raised or produced the same on his own farm, yard, garden or soil, shall not alone constitute any person a huckster; nor shall this ordinance extend to, or include persons selling or exposing to sale any of said articles in the market house, or upon the market square of said city.

§ 3. That every person who shall, within said city, sell or expose to sale in the streets, lanes or alleys of the same, by outcry, by retail and in small quantities, any goods, wares or merchandise, (butcher's meat, fresh or salted, fish, fowls, vegetables, domestic fruits and melons only excepted.) butter, lard, soap, or eggs, or any ordinary article of food for immediate use, shall be deemed and taken to be a hawker, within the meaning of this ordinance: *Provided,* That pedlers, dealing in articles authorized by their license, and persons who may sell, or expose to sale as aforesaid, any article of their own domestic manufactory, or of the growth or produce of their own farms, gardens, yards, or soil, shall not be deemed and taken to be hawkers, within the meaning of this ordinance.

§ 4. That no person shall open or keep within said city, an ordinary or huckster's shop, without first having applied for, and obtained a license from the mayor of the city to keep the same; nor shall any person be permitted or allowed to follow or exercise the employment, trade or business, (directly or indirectly, by him, or herself, or servant,) of a hawker without first having applied for and obtained a license

therefor from the mayor of the city: and every person who shall offend against, or be guilty, (by himself, servant or agent,) of any breach of this section of this ordinance, shall forfeit and pay as a fine, to and for the use of said city, for each and every day such offence or breach shall exist, or be continued, a sum of twenty-five dollars, and for any single offence which may not extend to a whole day, the sum of ten dollars, which fine shall be recoverable by information or action of debt, before any competent tribunal.

§ 5. That the mayor shall not grant any license before mentioned, to any slave, free negro or mulatto, nor to any white person, unless the person applying for the same, shall be of peaceable and sober demeanor, and of honest, reputable, and withal, well qualified, faithfully, skillfully, and diligently to pursue his trade or business, for which such applicant seeks to be licensed.

§ 6. That the licenses that may be issued by the mayor, under the provisions of this ordinance, shall be designated by him, and the same shall be by him signed, and shall be countersigned and issued by the city register of the city, by direction of the mayor, upon the payment of the following sums (or such other sums as shall be specified by the mayor to the city register,) to wit: For licenses to keep an ordinary, not less than ten nor more than fifty dollars per annum, at the discretion of the mayor; for licenses to exercise the trade of a hawker, not less than ten, nor more than fifty dollars per annum, at the discretion of the mayor; *Provided, always*, that no provision of this ordinance shall be so construed or interpreted, as to effect and operate on any person who may pay a city license amounting to twenty dollars per annum.

§ 7. That if any keeper of an ordinary or huckster's shop, shall not keep clean, orderly and peaceable houses, or shall demean him or themselves dishonestly or offensively, or shall trade with, harbor or entertain any slave, in or about said ordinary or shop, or shall harbor or entertain any free negroes, mulattoes, thieves, robbers, or known fellows, the mayor, upon full proof thereof, shall revoke and rescind the licenses granted to the offender: and every such offender, on conviction of any of the offences aforesaid, shall forfeit and pay to and for the use of the city, a sum of fifty dollars and costs. And if any ordinary keeper or huckster, shall sell any thing in the line of his business, to any slave, without the written consent of his or her master or mistress to do so, the license granted to him, her or them, may be revoked

by the mayor as aforesaid, and such offender shall pay as a fine, fifty dollars. And in like manner the mayor may, for dishonest, improper and unruly conduct, revoke the license of any hawker.

Passed by the board of aldermen, March 25, 1835.

JAMES P. SPENCER, *President pro. tem.*

APPROVED, March 28, 1835.

JOHN W. JOHNSON, *Mayor.*

CITY HARBOR.

An ordinance regulating the harbor of the city of St. Louis.

- Sec. 1. Harbor and lumber master to be appointed—when.
2. Tenure of office of harbor and lumber master.
3. Harbor and lumber master to give bond.
4. Compensation of harbor and lumber master.
5. Per cent. on fines allowed to harbor or lumber master.
6. Harbor and lumber master to perform duties enjoined on him.
7. No boat or raft to occupy any part of harbor, except that designated by harbor and lumber master.
8. No boat to occupy the place assigned to it for a longer time than twenty-four hours.
9. No raft to remain in the water for a longer time than five days.
10. Rafts drawn out of the water, how to be placed.
11. Rafts drawn out of the water, to be removed.
12. Steamboats to have preference over other boats.
13. Penalty on persons placing boats or rafts at points and refusing or neglecting to remove the same, according to the direction of the harbor and lumber master.
14. Persons having charge of boat or raft not removing the same, to be notified.
15. Harbor and lumber master to remove boat or raft, if owner refuse to remove the same.
16. Cost and expense of removal of boat or raft, how paid.
17. Owner of boat or raft, refusing to pay cost of removal, boat or raft to be sold.
18. Proceeds of sale, how disposed of.
19. No moneys to be paid out except on auditor's warrant.
20. Persons claiming proceeds of sale of boat or raft, how to proceed.
21. Auditor to issue warrant to claimant on harbor and lumber master's certificate.
22. No person appearing to take charge of boat or raft, harbor and lumber master shall remove the same.
23. After removal, no person appearing to take charge of boat or raft, same to be sold at public auction, for the payment of expenses.
24. Proceeds of sale to be paid into city treasury.
25. Commission on sales allowed to harbor and lumber master.
26. Deduction of five per cent for use of city on all sales made of boats or rafts.
27. Persons wishing to repair boats, &c. how to proceed.
28. Harbor and lumber master authorized to permit repairs of boats.
29. Space allowed for repairs of boats.
30. No boat to be repaired opposite a cross street.
31. Penalty for violation of the four preceding sections.

Sec. 32. Tax on tonnage of boats.

33. Tax on flat boats.
34. Ferry, wood and coal boats, exempted from tax.
35. Tax on boats remaining in harbor after discharging and receiving cargo.
36. The thirty-second and fifty-fifth sections not applied to boats undergoing repairs.
37. Firewood, how placed on the wharf.
38. Firewood to be piled up on the wharf.
39. Firewood, how sold, and to be measured:
40. Logs cut for fire wood to be corded and measured.
41. Firewood for private use may be measured by estimation.
42. Penalty on persons who sell firewood that has not been corded and measured.
43. No person to sell firewood on the wharf that has been purchased in the harbor.
44. Penalty for breach of the preceding section.
45. Number of cubic feet in a cord of wood.
46. Wood, coal and lumber how placed on the wharf.
47. Boards, scantling, &c. to be assorted and measured.
48. Harbor and lumber master to inspect lumber and certify the measurement.
49. Boards and plank to be classed.
50. First class what to comprise.
51. Second class what to comprise.
52. Third class what to comprise.
53. Refuse class what to comprise.
54. Planks of the first and second class unequal in width at the ends, how measured.
55. Third class and refuse, how measured:
56. Boards &c. less than one foot square, how measured.
57. Timber twelve inches square, how measured.
58. Shingles to be inspected, marked and branded.
59. Shingles to be divided into classes.
60. White pine shingles to be classed.
61. Owners of plank and lumber to assort, place and handle the same for inspection, or by persons employed.
62. Owners refusing to pay persons employed to handle and assort lumber, lumber to be sold to satisfy their demand.
63. Rates of wharfage and measurement.
64. Harbor and lumber master to account quarterly with auditor.
65. Harbor and lumber master to prosecute for breaches of this ordinance.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. In the month of February, in each year, the board of aldermen shall appoint a harbor and lumber master.

§ 2. The harbor and lumber master shall hold his office for the term of one year, and until his successor is duly appointed and qualified.

§ 3. Before entering upon the discharge of the duties of his office, the harbor and lumber master shall give bond to the mayor, for the use of the city of St. Louis, with sufficient security to be approved by the mayor, in a sum of not less than five thousand dollars, conditioned for the faithful discharge of the duties of his office.

§ 4. The harbor and lumber master shall receive as a compensation for his services, fifteen per cent. of all the moneys received and collected by him for wharfage, and for inspecting wood and lumber brought to this city by water, and on which duties are to be paid, according to the provisions of this ordinance.

§ 5. The harbor and lumber master shall also receive five per cent. on all fines, forfeitures and penalties by him collected, under this ordinance.

§ 6. The harbor and lumber master shall perform the duties enjoined on him by this ordinance, and such other duties as may, from time to time, be enjoined on him by ordinance, or resolution of the board of aldermen.

§ 7. No boat or raft shall be permitted to land and occupy any part of the harbor of the city, except such part as the harbor and lumber master shall designate.

§ 8. No boat shall occupy the place assigned it, for a longer time than twenty-four hours, the time actually employed in discharging and receiving cargo not included, unless a longer time shall have been granted by the harbor and lumber master to the captain, owner or agent of such boat, for the purpose of repairing.

§ 9. No raft shall remain in the water, within the limits of the city, for a longer time than five days, unless the harbor and lumber master shall grant a longer time, for the purpose only, of having the same drawn out of the water.

§ 10. All rafts drawn out of the water as aforesaid, shall be placed on the landing, under the direction of the harbor and lumber master, at least twelve feet from the water edge, where the width of the beach will admit.

§ 11. All rafts, drawn out as aforesaid, shall be removed from the place to which they have been drawn, as soon as practicable; but in no case shall any raft, or parts of rafts, be permitted to remain at the place to which it has been drawn, for a longer period than ten days.

§ 12. Steamboats shall have, in the harbor and landing, preference over all other boats, and over rafts; but no raft, or boat, actually employed in discharging or receiving cargo, shall be compelled to leave the place assigned it, for the purpose of giving place to a steamboat.

§ 13. If any person or persons, having charge of any boat or raft, shall land or place the same at any part of the wharf, or harbor, without the instruction of the harbor and lumber master to that effect, it

shall be the duty of the person or persons having charge of such boat or raft, to remove the same to such point as the harbor and lumber master may direct; and upon failure so to do, such person or persons shall forfeit and pay, for the use of the city of St. Louis, the sum of ten dollars.

§ 14. Upon failure to remove any boat or raft, according to the provisions of the foregoing section, the harbor and lumber master shall cause a notice to be served on the person or persons having charge of such boat or raft, requiring him or them, within a stated time, to remove the same to a designated point.

§ 15. If, upon such notice, the person or persons, having charge of such boat or raft, shall still fail to remove the same, in accordance with the requisitions of the notice, it shall be the duty of the harbor and lumber master to cause such boat or raft to be removed, and placed at such point, within the limits of the city as he shall direct.

§ 16. The cost and expense incurred in removing a boat or raft, under the provisions of the preceding section, shall be refunded to the harbor and lumber master by the master, owner or agent thereof; and such boat or raft shall remain in the custody and possession of the harbor and lumber master, until the said expenses are paid, together with all penalties, fines and forfeitures, that may have accrued on account of the neglect or refusal to remove the said boat or raft, as aforesaid.

§ 17. In case of the neglect or refusal of the master, owner, or agent of such boat or raft, within three days after the removal thereof, as aforesaid, to pay the expenses and costs, fines penalties, or forfeitures mentioned in the preceding section, it shall be the duty of the harbor and lumber master to sell such boat or raft, at public auction, to the highest bidder, for cash, first having given in some newspaper printed in the city of St. Louis, ten days previous notice of the time and place of such sale.

§ 18. The proceeds arising from such sale, after deducting the necessary expenses of removal and sale of such boat or raft, shall be paid into the city treasury; and if any fine, forfeiture or penalty shall have accrued against the master or owner of a boat or raft, thus sold, the amount thereof shall also be deducted from the proceeds of the sale thereof, and the remainder of the proceeds shall be paid over by the treasurer to the owner, master or agent of such boat or raft, if the same is applied for within twelve months from the day of sale.

§ 19. No moneys shall be paid over to any applicant, under the preceding section, except upon the warrant of the auditor being produced to the treasurer by the applicant.

§ 20. Any person claiming the proceeds of sale of any boat, as aforesaid, shall make proof of his authority to claim the same, before the harbor and lumber master, who shall thereupon grant to the applicant a certificate thereof, in which certificate shall be stated the amount of fine, penalty, or forfeiture, if any, accrued against the master, owner or agent of the boat or raft, sold as aforesaid.

§ 21. The person holding such certificate shall present the same to the auditor, who shall thereupon issue his warrant on the treasury to the person holding such certificate, for the amount to which he is entitled.

§ 22. If no master, owner or agent appear to take charge of any boat or raft, lying within the limits of the city, the harbor and lumber master shall take charge thereof; and if, in his opinion, public convenience, or the safety of the boat or raft require it, he shall cause the same to be removed to such place, within the limits of the city, as he shall deem advisable, and all expense, thus incurred, shall be a lien upon such boat or raft.

§ 23. If, within ten days after the harbor and lumber master shall have taken charge of any boat or raft, as aforesaid, the master, owner or agent thereof shall appear and pay to the harbor and lumber master all fees, costs and charges, for which the same is liable, such boat or raft shall be restored; but if, within that time, no master, owner or agent of such boat or raft appear, or appearing shall fail to pay the fees, costs and charges aforesaid, the harbor and lumber master shall sell such boat or raft, for cash, at public auction, first giving ten days notice of the time and place of sale thereof, by twelve advertisements, set up in the most public places in the city, and also by a publication thereof in a city newspaper.

§ 24. The harbor and lumber master shall pay into the city treasury the amount of the proceeds of such sale, after deducting all the costs and charges for which the property sold was liable, and the balance, so paid, shall be refunded to the proper owner, under the conditions and regulations prescribed in the 18th, 19th and 20th sections of this ordinance.

§ 25. Upon all sales made at public auction by the harbor and lumber master, under the provisions of this ordinance, he shall be allowed a

commission of three per centum, to be deducted from the nett proceeds of sale.

§ 26. There shall be a deduction of five per centum for the use of the city, from all sums which the treasurer is required to pay to any owner, master or agent of a boat or raft, which has been sold under the provisions of this ordinance.

§ 27. Any person wishing to repair a boat on the beach, wharf, or landing of the harbor of this city, shall apply for permission therefor to the harbor or lumber master, which application shall be in writing, and shall state the kind and size of the boat to be repaired, the extent of ground required for placing the necessary materials, and the probable length of time required to repair such boat.

§ 28. If he deem it expedient, the harbor and lumber master shall grant the applicant the permission asked for, and shall designate the place in the part of the wharf, beach, or landing of the harbor, where such boat shall be repaired.

§ 29. Persons wishing to repair a boat shall not be allowed to occupy for that purpose, a greater portion of the wharf, beach or landing of the harbor, than is contained between the centre of Front or Water street, and lines drawn at right angles thereto, to the bow and stern of such boat.

§ 30. No boat shall be repaired opposite the end of any of the streets leading to the river.

§ 31. Any person violating the provisions of the four preceding sections, or refusing to obey the instructions and directions of the harbor and lumber master, in relation to any of the provisions therein contained, shall forfeit and pay for the use of the city, the sum of fifty dollars, and the further sum of ten dollars for each day he shall use or occupy any part of the wharf, beach or landing of the harbor, not assigned to him by the harbor and lumber master, for the purpose aforesaid.

§ 32. All boats employed in carrying freight, the burthen whereof shall not be less than five tons, that shall come within the harbor of this city, and there remain for six hours, or occupy any part of the beach, wharf, or landing of the harbor, in receiving or discharging cargo, or taking in or putting out passengers, shall pay the harbor and lumber master, five cents for each and every ton burthen which such boat contains.

§ 33. Flat boats coming to the city laden with produce, instead of

paying tonage duties as provided for other boats in this ordinance, shall pay to the harbor and lumber master, the sum of one dollar for the first day, and fifty cents for each succeeding day that such flat boat shall remain within the harbor of the city.

§ 34. Ferry, wood and coal boats do not come within the provisions of the forgoing section.

§ 35. If any boat shall remain at the wharf, beach, or landing of the harbor, for twenty-four hours, exclusive of the time of discharging and receiving cargo, such boat, for every day it shall so remain after the expiration of the said twenty-four hours, shall pay to the harbor and lumber master, one cent for each and every ton burthen thereof.

§ 36. The thirty-second and thirty-fifth sections preceding, shall not apply to boats that are being repaired, under the provisions of this ordinance.

§ 37. All firewood, brought to this city by water, for sale, shall be placed upon the wharf, beach or landing of the harbor, in such a manner as the harbor and lumber master shall direct.

§ 38. The harbor and lumber master shall cause all such firewood to be piled up on the wharf, beach or landing of the harbor, in a close and compact manner.

§ 39. All firewood brought to this city by water, if the same be offered for sale, shall be sold by the cord, half, or quarter of a cord, and shall be measured by the harbor and lumber master, whose duty it shall be to give to the buyer or vender, if required, a certificate of the measurement and quantity thereof.

§ 40. All persons bringing logs to the city by water, and all persons purchasing the same, who shall have the same cut or chopped on the wharf, landing or beach, whether for sale or not, shall have the same corded and measured by the harbor and lumber master.

§ 41. Any firewood brought into this city by water for private use, may be measured by estimation, in the bulk or boat load, by the harbor and lumber master, with the consent of the owner, who shall nevertheless pay the harbor and lumber master, the same fees as if the wood had been corded and measured as aforesaid.

§ 42. Any person who shall sell any firewood brought to this city by water, without first having the same corded and measured, as aforesaid, and all persons who shall cut or chop any logs on the beach, wharf or landing, for firewood, and remove the same without having had the same corded and measured as aforesaid, shall forfeit and pay

for the use of the city, the sum of two dollars for every cord of wood so sold or removed.

§ 43. No person shall sell any fire wood in the harbor of the city, or on the beach, wharf, or landing thereof, that has been purchased within the harbor, or on the beach, wharf or landing thereof.

§ 44. Any person offending against the provisions of the next preceding section, shall forfeit and pay for the use of the city, the sum of five dollars for each and every cord of wood sold contrary to the provisions of the said section.

§ 45. Each cord of wood shall contain one hundred and twenty-eight feet, cubic measure.

§ 46. All wood, coal and lumber, brought to this city by water, and landed on the wharf, or beach of the harbor, shall be placed and laid in such manner as the harbor and lumber master shall direct, at a distance not less than twelve feet from the water's edge, where the width of the beach or wharf will admit of it.

§ 47. All boards, plank, scantling, joists and square timber of every kind, shall be assorted into lengths, and laid in separate and distinct piles, and each thickness of plank and dimensions of timber thus assorted, shall be measured separately.

§ 48. The harbor and lumber master, whenever thereto required by a purchaser or vendor, shall inspect any kind of lumber, and give a certificate, stating the quantity and quality of such lumber.

§ 49. Boards and plank shall be classed into first, second, third rate and refuse.

§ 50. The first rate class shall comprise all boards, plank, joists and scantling, which contain not more than three small sized knots in a length of twelve feet, which are square edged, of equal thickness, in all respects sound and free from shakes, and which shall be half heart on the sap side.

§ 51. The second rate class shall comprise all boards, planks, joists and scantling, that are sound, free from shakes and unsound or large knots, square edged, of equal thickness, and which are one-fourth heart on the sap side.

§ 52. The third class shall comprise all such sound planks or boards, joists and scantling, as are rejected from the second class, and not refuse.

§ 53. The refuse shall comprise all boards, joists, scantling or planks, not comprised in the first, second, and third class.

§ 54. Should the planks, joists, scantling or boards, comprised in the first and second classes, be of unequal width at the ends, they shall be measured at the narrow end, and on the sap side; and the harbor and lumber master shall make such allowances as are necessary for straightening and squaring the same.

§ 55. The third class and refuse, shall be measured on the narrow side, and at the middle or average width of the plank, joist and scantling.

§ 56. The measure of all boards, plank, scantling, joists, and square timber, of a less dimension than one foot square, shall be by the foot, of one hundred and forty-four solid inches, except one and a quarter inch, which shall be measured as inch plank.

§ 57. The measurement of all timber, twelve inches square, or of that dimension which shall contain one hundred and forty-four square inches on the end, and all over that size, shall be computed by the solid foot of seventeen hundred and twenty-eight solid inches.

§ 58. All shingles brought to this city, and landed on the wharf, beach, or landing of the harbor thereof, shall be inspected and measured by the harbor and lumber master, and marked or branded on the binders or clamps containing the shingles, according to their respective qualities.

§ 59. Shingles, other than white pine shingles, shall be divided into two classes; the first class shall comprise all shingles not less than eighteen inches long, four inches wide, and half an inch thick at the thick end, which are of equal width, neatly shaved and jointed or edged with the drawing knife. The second class shall comprise all shingles not less than fifteen inches long, four inches wide, three-eighths of an inch thick at the thick end, which are neatly shaved and jointed, as these of the first class.

§ 60. White pine shingles shall be divided into two classes, as in the preceding section, with this difference, that the thickness of each class may be reduced one-eighth of an inch.

§ 61. All boards, plank, scantling, and other lumber of every description or kind, shall be placed, assorted, and handled for measurement or inspection, by the owner or owners thereof, or by some person or persons employed by the harbor and lumber master, for that purpose; and all persons so employed by him, shall be paid by the owner or owners aforesaid.

§ 62. In case the owner or owners refuse to pay the person employed as aforesaid, the harbor and lumber master, shall sell a sufficient quantity of the lumber aforesaid, to satisfy their demand.

§ 63. The following rates shall be levied and collected for the use of the city, on all wood, lumber and coal, brought to this city and landed on the wharf, beach or landing of the harbor thereof:

1. For the wharfage on boards, plank, scantling and joists, ten cents per thousand feet, board measure.
2. On timber more than twelve inches square, ten cents per hundred feet, cubic measure.
3. On firewood, three cents per cord.
4. On shingles, three cents per thousand.
5. On clapboards, ten cents per thousand.
6. On staves and coopers' stuff of all kinds, ten cents per thousand.
7. On cedar posts; not more than eight feet long, twenty cents per hundred; not more than ten or twelve feet long, thirty cents per hundred; and not more than sixteen feet long, fifty cents per hundred.
8. On all logs, which are not cut on the beach, wharf or landing, for firewood, fifty cents per hundred.
9. On rails, five cents per hundred.
10. On stone or charcoal, twenty cents per hundred bushels.

For measuring and inspecting, counting and marking:

1. Boards, plank, scantling and joists, if divided into two classes, ten cents per thousand feet; if divided into three classes, fifteen cents per thousand feet; and if divided into four classes, twenty cents per thousand feet, board measure.
2. Square timber, ten cents per hundred feet, cubic measure.
3. Firewood, three cents per cord, half, or quarter cord.
4. Shingles, five cents per thousand.
5. Clapboards, twenty five cents per thousand.
6. Staves and other coopers' stuff, five cents per thousand.
7. Cedar posts, not more than eight feet long, ten cents; not more than twelve feet long, twenty cents; not more than sixteen feet long, twenty-five cents per hundred.
8. Logs not cut for firewood on the wharf, beach, or landing, twenty-five cents per hundred.
9. Rails, ten cents per hundred.
10. Stone or charcoal, twenty-five cents per hundred bushels.

§ 64. The harbor and lumber master shall account quarterly with the auditor, for all moneys received by him, by virtue of this ordinance, and upon such accounting the auditor shall certify to the treasurer the amount of moneys in the hands of the harbor and lumber master who shall thereupon pay over such moneys to the treasurer.

§ 65. It shall be the duty of the harbor and lumber master to prosecute all offenders against the provisions of this ordinance.

Passed by the board of aldermen, December 28, 1835.

JAMES P. SPENCER, *President.*

APPROVED January 9, 1836.

JOHN F. DARBY, *Mayor.*

Q U A R A N T I N E .

- SEC. 1. Penalty on persons having charge of boats who bring to this city, persons infected with the small pox.
2. Mayor may cause boats to perform quarantine, in certain cases.
 3. Penalty on persons having charge of boats, and who conceal cases of small pox.
 4. Who the proper officers of the city, under this ordinance.
 5. Practising physicians to report cases of small pox, or other contagious diseases.
 6. Penalty on persons who inoculate for the small pox.

An ordinance more effectually to preserve the health of the city, and for the performance of quarantine, in certain cases.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That if any owner, master, or other person, having charge or command of any steamboat, ferry-boat, or any other boat, shall land, or bring on shore, or cause or suffer to be landed or brought on shore, any person infected with the small pox, or any part or parcel of their goods or effects, within ten miles of the city of St. Louis, and in the state of Missouri, without obtaining a license so to do, from the mayor or health officer of the city, shall pay a fine of five hundred dollars, recoverable before any tribunal having jurisdiction thereof, for the use of the city.

§ 2. If from information, or by any other means, the mayor shall have cause to suspect that any steam, or other boat, is about to land, or has landed, within the limits of the city, or within ten miles thereof, with the small pox on board, or whose crew and passengers may have been lately exposed to the infection of the small pox, it shall be his duty to order an examination by the health officer, or some respectable

physician, and if upon such examination it should be the opinion of such officer, or physician, that it would be unsafe to the city that such boat be permitted to land her passengers, crew or cargo, he shall thereupon cause the said boat to ascend or descend the river, to the distance of at least five miles from the city, and there perform quarantine; for any number of days not exceeding thirty, as in the opinion of the health officer, or physician, shall be deemed expedient — And if any master, or person having charge of such boat, shall fail or refuse to descend the river, as herein directed, or perform quarantine as directed by such officer, he shall forfeit the sum of one thousand dollars, recoverable by an action of debt, brought against said master, owner, or boat.

§ 3. *Be it further ordained,* That if any master or other person, having command of any boat, as aforesaid, at the time of inquiry by such officer, shall have on board any person infected as aforesaid, and shall knowingly conceal the same, or shall not make a true and just discovery to the health officer, or physician, of the sickly and disordered state of all and every person, or persons on board, from the time said boat departed from the port, or place, whence she came, to the time of said inquiry, and of all other particulars necessary for said officer or physician to know respecting the premises, such master, or other person, having the command of such boat, shall forfeit and pay five hundred dollars for every such offence, recoverable by an action of debt, brought against the master, owner, or boat.

§ 4. The proper officers of the city, within the meaning of this ordinance, shall be such persons as the mayor, under his hand and the seal of the city, shall appoint; and each of said officers shall receive for each visit by them made, to any boat under the directions of this ordinance, the sum of five dollars, to be paid by the city.

§ 5. *Be it further ordained,* That it shall be the duty of every practising physician within this city, to report to the mayor of the city every case of the small pox, or other contagious disease, which he may be called to attend, within the limits of the city, or ten miles of the same, within twelve hours after he shall have examined the patient, and on failure so to do, he shall forfeit the sum of ten dollars, recoverable as aforesaid, for the use of the city.

§ 6. *Be it further ordained,* That if any physician, or other person, shall inoculate for the small pox, within the limits of the city, or within ten miles thereof, he, she, or they, so offending, shall, for every such

offence, forfeit the sum of five hundred dollars, recoverable as aforesaid, for the use of the city.

Passed by the board of aldermen, July 22, 1835.

JAMES P. SPENCER, *President.*

APPROVED, 15th August, 1835.

JOHN F. DARBY, *Mayor.*

V A C C I N A T I O N .

An ordinance for the prevention of contagious diseases, and for the more effectual vaccination of the inhabitants of the city of St. Louis.

- SEC. 1. Health officer to be appointed—tenure of office.
 2. Duties of health officer.
 3. Further duties of health officer.
 4. Health officer to vaccinate all persons who have not been vaccinated.
 5. Duties of Health officer when a case of small pox is reported.
 6. Health officer to attend on small pox patients.
 7. Compensation of health officer.
 8. Penalty on health officer for neglect.
 9. Health officer to make semi-annual reports.
 10. Health officer to attend the sick at the hospital.
 11. Sick sent to the hospital having recovered, health officer to notify the register thereof.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That it shall be the duty of the mayor, by and with the advice and consent of the board of aldermen, in the month of April in each year to appoint some practising physician of this city, to be called the health officer of the city of St. Louis, who shall hold his office for the term of one year, and until his successor be appointed, who shall also be the physician of the small-pox hospital.

§ 2. It shall be the duty of said health officer, at all times when practicable, to keep a sufficient supply of genuine vaccine matter, for the use of the inhabitants of the city of St. Louis.

§ 3. It shall be the duty of the said health officer to visit every house in this city, as often as it may become necessary, and at least once every year, and effectually vaccinate with genuine vaccine matter, all the occupants of the same, who shall not have been vaccinated with genuine matter, or who may not previously have had the small-pox.

§ 4. It shall be the duty of the said health officer to vaccinate all persons, inhabitants of the city of St. Louis, free of any charge, who shall call on him for that purpose.

§ 5. It shall be the duty of said health officer, so soon as any case of small pox shall be reported to be within the city, to repair forthwith to the place or vicinity in which such case may be, and examine and make enquiry whether all the persons in the vicinity have been vaccinated, and if not, immediately to vaccinate such as may not have had the small pox, or been vaccinated with genuine vaccine matter, and shall immediately thereafter report to the board of health, all such new cases of small pox as shall have come under his observation.

§ 6. It shall be the duty of the said health officer to attend the persons infected, as aforesaid, and removed by the authority of them ayor, during the continuance of the said disease.

§ 7. The said health officer shall be entitled to receive for his services the sum of four hundred dollars per annum, to be paid quarterly, out of any moneys in the treasury not otherwise appropriated.

§ 8 For each and every wilful neglect, or omission of duty, the said health officer shall forfeit and pay for the use of the city of St. Louis, the sum of fifty dollars.

§ 9. It shall be the duty of said health officer, to make semi-annual reports to the board of aldermen of this city, on the first Mondays of March and September, in each and every year, showing, as nearly as may be, the number of persons vaccinated by him, their age, sex, and color, and whether residents of the city, or otherwise, together with the number of persons, with their age, sex, and color, who may have had the small pox, and the number of deaths which may have occurred from either of these causes, and such other information on the subject of vaccination, or the small pox, as to him may appear proper.

§ 10. The health officer of the city of St. Louis, shall attend the sick, sent by the city to the hospital, under the care of the Sisters of Charity, and to that effect he shall visit the said hospital at least once in every day.

§ 11. That whenever any sick person, sent as aforesaid, by the city to the said hospital, shall have so far recovered his health as to render further attendance upon him unnecessary, it shall be the duty of the health officer to certify the fact to the register of the city, and to the superintendant of said hospital, and immediately thereupon all allowance made by the city for the support of such convalescent, shall cease and determine. Passed by the board of aldermen, July 22, 1835.

JAMES P. SPENCER, *President.*

APPROVED, 15th August, 1835.

JOHN F. DARBY, *Mayor.*

CONTRACT FOR GAS LIGHT.

An ordinance authorizing the mayor to contract for lighting the city with gas.

Sec. 1. Mayor authorized to contract for lighting the city with gas—terms.

2. Contract to be binding when approved by the board of aldermen.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The Mayor is authorized to enter into contract, in behalf of the city, for lighting the city with carburetted hydrogen gas, with Charles Garnier, and such other persons as he shall name, upon the following principles, to wit:

First. The city grant to Charles Garnier, or to such company as he may choose to organize, under the name of "The St. Louis Gas-Work Company," by ordinance, the exclusive privilege of lighting the city with gas, for and during the term of twenty-five years.

Second. The city will permit the said Garnier, or company, to take as much water from the water works of the city as shall be necessary for carrying on the operations of generating and purifying the gas, during the whole of the said term of twenty-five years, free of charge: *Provided,* That the quantity of water to be thus taken, shall not exceed one hundred gallons a day, and that the said Garnier, or company, shall pay the expense of conducting the water to their gas establishment.

Third. The said Garnier, or company, shall furnish, provide, set up, lay, keep in good repair, at their own proper cost and expense, the street-lamps, lamp-posts, gas-metres and the gas-pipes, leading from the main pipe to the lamps, and shall set up the said lamps at whatever place the board of aldermen shall, by resolution, direct; the whole to be of the best quality of work and materials now in use; and the city will pay to the said Garnier, or company, an annual interest on the original cost of the said posts, lamps, pipes and metres, of eight per cent.

Fourth. The city will pay to the said Garnier, or company, one cent for each cubic foot of gas consumed by the street lamps of the city; the payment to be made quarter-yearly.

Fifth. The said Garnier, or company, shall not charge more than one cent for each cubic foot of gas consumed by the inhabitants of the

city; and if, at any time, the gas shall be furnished to private individuals at a less price than one cent per cubic foot, the same deduction shall take place with regard to the gas consumed by the city.

Sixth. The said Garnier, or company, shall put the said gas-works into successful operation, on or before the first day of November, eighteen hundred and thirty-six; shall lay, at or before that time, the main pipes for conducting the gas along Water and First streets; and shall lay a main pipe in each of the other streets, whenever the board of aldermen shall, by resolution, direct; he shall also continue the said gas-works in successful operation, during the whole of said term of twenty five years.

Seventh. The city shall have the right to purchase the works of the said Garnier, or company, at the expiration of twenty years from the time that they are put into operation, at an advance of seven per cent. on the valuation thereof; and at the end of the said term of twenty-five years, at an advance of five per cent. upon the valuation of said works; and in case the city refuse thus to purchase, the city, at the expiration of the said term of twenty-five years, will renew to the said Garnier, or company, their exclusive privilege for the like term of twenty-five years, upon the same conditions that the exclusive privilege is now granted.

Eighth. In case the city shall purchase of the said Garnier, or company, their establishment, all obligations hereby entailed upon the city shall cease and determine.

Ninth. In case of failure on the part of said Garnier, or company, to comply with the obligations hereby imposed, the exclusive privilege, hereby granted, shall cease and be annulled; and in such event also, all obligations on the part of the city towards the said Garnier, or company, shall cease and determine.

Tenth. And it is further agreed, that if, at any time, the individuals composing the said gas company, shall transfer or assign their interest, or any part of their interest in this contract, or the matters to which it refers, then, and in that event, the individuals composing the said gas company, shall give notice to the board of aldermen of such transfer or assignment, and to whom the same is made.

§ 2. When the contract aforesaid shall have been entered into, and

approved of by the board of aldermen, by resolution, the same shall be obligatory upon the contracting parties, but not before.

Passed by the board of aldermen, January 18th, 1836.

JAMES J. PURDY, *President pro tem.*

APPROVED January 20, 1836.

JOHN F. DARBY, *Mayor.*

SALE OF COMMONS.

An ordinance for the sale of the St. Louis Commons.

Sec. 1. Common to be sold—how.

2. Sale when to commence.

3. Committee to make arrangements to effect a sale.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That the commons of St. Louis be sold to the highest bidder, according to the act of the general assembly in relation thereto.

§ 2. The sale shall commence on the first Monday of March, one thousand eight hundred and thirty-six, and be continued at such times and places as shall, from time to time, be fixed by the committee of aldermen on the commons.

§ 3. The said committee shall have power, in all cases not otherwise directed by law, to make such arrangements, give such notices, appoint such order of sale, and make such reservations from sale, as they may deem most proper; and may, in their discretion, postpone the appointed day of sale, and fix another day or days of sale, giving the lawful notice of such other, or adjourned day of sale.

Passed by the board of aldermen, January 21, 1836.

JAMES J. PURDY, *President pro tem.*

APPROVED, 26th January, 1836.

JOHN F. DARBY, *Mayor.*

STREETS AND HIGHWAYS.

A condensed ordinance in relation to streets and other highways.

Sec. 1. City Surveyor and street commissioner to be appointed.

2. His compensation.

3. His duties.

4. To make return of copies of field notes and of plats.

Sec. 5. Authorized to make and contract for repairs.

6. To draw drafts, sign certificates and keep minutes.
7. Duty to survey private lots when required.
8. Duty on application to show street lines.
9. Shall cause ordinances, &c concerning streets to be enforced.
10. Shall make contracts for paving.
11. Duty to number blocks.
12. Manner of making pavements.
13. To remove all obstructions upon streets.
14. May permit temporary obstructions.
15. Shall superintend grading and paving of streets.
16. May cause pavements and side-walks to be taken up, in certain cases.
17. Surveys of city of St. Louis—what declared true.
18. Streets running north and south named.
19. Streets running westwardly from Mississippi river named.
20. Other cross streets named.
21. Extent of streets running parallel to Mississippi river, declared.
22. Western boundary of Front street, north of Market street, defined.
23. Western boundary of Front street south of Market street, defined.
24. Eastern boundary of Front street, defined.
25. Landing, defined.
26. Alley to be located through every block.
27. Alleys so opened, at expense of lot holders, in certain cases.
28. Certain alleys, heretofore opened, declared public.
29. Certain alleys, laid off by the proprietors, declared public.
30. Certain alleys, heretofore laid off, declared public.
31. Width of side walks regulated.
32. Proceedings regulated where occupier, owner or claimant of lot, neglects to repair sidewalk pavement.
33. Curbing, guttering and paving of carriage way, to let out.
34. Persons engaged in building may occupy side-walks, &c.
35. Penalty for laying side-walk contrary to this ordinance.
36. Penalty for removing city land-marks.

Be it ordained, by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. A person of known ability shall, in the month of September, in each and every year, be appointed by the mayor, by and with the advice and consent of the board of aldermen, as a city surveyor and street commissioner, who shall be ex-officio superintendent of all the public highways, within the limits of this city. He shall hold his office for the term of one year from and after such date, unless sooner removed, and until his successor shall have been duly appointed and qualified.

§ 2. He shall receive, as a compensation for his services, six hundred dollars per annum, payable quarterly.

§ 3. It shall be his duty to do and perform, within the city, all such surveying and engineering, and such other duties pertaining to his

office, as may from time to time be prescribed to him by ordinance, or resolution of the board of aldermen.

§ 4. He shall make and return to the office of the register, fair and accurate copies of all field notes, and plats of all public surveys by him made: which notes and plats shall be filed and preserved by said register.

§ 5. He is hereby authorized, whenever he shall deem that the public service requires, to make, order or contract for the repairs or improvement of any of the highways of this city, at his discretion, when the value or cost of such repairs or improvement shall not exceed the sum of twenty-five dollars.

§ 6. He shall draw all drafts, make and sign all certificates, necessary and lawful to be made and signed by him, and he shall keep accurate minutes of all his proceedings and acts, in a book to be by him provided for that purpose, which minutes shall be by him preserved and turned over to his successor.

§ 7. It shall be the duty of the city surveyor and street commissioner, if thereto required by any person in writing, to survey all private lots within the city, divide the same, and render such services as pertain to his office; and for such services he shall receive, for surveying any lot, or surveying and subdividing any lot not more than once, the sum of two dollars; and if subdivided more than once, and not more than four times, three dollars; if subdivided more than four times, and not more than seven times, five dollars; if subdivided more than seven times, and not more than ten times, six dollars and fifty cents; and for all subdivisions over ten, he shall receive in proportion to the foregoing prices, to be paid by the person on the application of whom such services may have been rendered.

§ 8. Upon the application, in writing, to the city surveyor and street commissioner, by any person or persons who may intend to build a house, or make a fence, it shall be his duty to show, or make out, if required, the line of the street upon which the said house or fence is to be built or made, and to designate the graduation of the street in that vicinity, without being entitled to receive any fees for his services in such cases.

§ 9. The city surveyor and street commissioner shall cause to be enforced, all ordinances or resolutions, concerning the streets and other highways within the city, and report all violations of the same to the city attorney, whose duty it shall be to sue for the same.

§ 10. Whenever the paving of any street shall be let out, the city surveyor and street commissioner, in the name of the mayor, aldermen and citizens of the city, shall enter into a contract with the persons to whom the same shall be let out, for the paving of the same, and the person so contracting shall enter into a bond for the use of the corporation, with securities in double the amount of the contract price, for the faithful performance thereof, and conditioned for the performance of the work according to the regulations, and within the limits fixed by the commissioner; which contract shall be binding on the city, when approved by the board of aldermen.

§ 11. It shall be the duty of the city surveyor and street commissioner, and it is hereby made his duty, to number all the blocks within the limits of the city, upon the map of the city; and whenever any alteration or addition shall be made in the plat of the city, he shall, as soon thereafter as possible, lay the plat before the board of aldermen, and should they approve of the same, they shall pass an ordinance in conformity therewith.

§ 12. The manner of making the pavements, both horse and footways, and the length, depth, thickness and shape of the curbs and gutters, shall be under the direction and control of the city surveyor and street commissioner, and standing committee on streets and alleys, when not otherwise ordered by the board of aldermen.

§ 13. The city surveyor and street commissioner shall remove or cause to be removed, all obstructions, barriers and impediments, which are now within, or upon any street, or any other public highway within the city, which highways have heretofore been, or may hereafter be, ordered to be surveyed, laid out, opened or used as such; and he shall, from time to time, remove, or cause to be removed, all obstructions, impediments, barriers and nuisances, which may be found in or upon such highways, and keep them open, and in order fit for public use, at the expense of the city.

§ 14. The city surveyor and street commissioner may permit temporary obstructions to persons, in receiving, selling or removing fuel, lumber, plank, boxes of merchandise, and other articles of trade, if such obstructions be removed as soon as circumstances will admit, not to exceed twenty-four hours.

§ 15. The city surveyor and street commissioner shall superintend the grading and paving of all the highways of this city.

§ 16. He may, at his discretion, after having given at least ten days'

notice thereof, cause the pavements of any side walk, or foot-way, which may be laid contrary to ordinance, to be taken up, and relaid anew, at the cost of the person or persons who shall have suffered the same to be done.

§ 17. The survey of the city made in December, 1823, by Rene Paul, according to resolution of the board of aldermen, adopted in July, 1823; the re-survey of the cross streets, from Market street to the southern boundary line of the city, made by the same surveyor in 1826, and approved by the board of aldermen in December, 1826; and the additional survey made in the north west and south west parts of this city by Joseph C. Brown, in conformity to ordinances passed to that effect, namely, in December, 1829, and June, 1830, together with such alterations and additions which have since been made by order of the board of aldermen, are hereby declared to be the true survey; and the map thereof; deposited by Rene Paul, the only true map of the city of St. Louis.

§ 18. The streets running north and south, and nearly parallel with the river Mississippi, shall be called and known under the following names, viz: the street nearest the river is called Front street; and the others running parallel, are named in numerical order, from east to west, namely, First, Second, Third, &c., except the northern continuation of Third street from Oak street, which is called Broadway.

§ 19. All the streets running westwardly from the Mississippi river, in the extent hereafter mentioned, are called by the names that follow, and declared to be the width set forth opposite their respective names; beginning at the southern-most extremity, and keeping up in succession, to the northern-most extremity of the city, viz:

Mullanphy street, from Second to Fifth street, fifty feet wide. Sycamore street, from the river to Second street, thirty-two feet one inch wide. Hazel street, from the river to Fifth street, thirty-two feet one inch wide. Lombard street, from the river to Fifth street, thirty-two feet one inch wide. Mulberry street, from the river to Fourth street, thirty-two feet one inch wide. Cedar street, from the river to Fourth street, thirty-two feet one inch wide. Plum, from the river to Fourth street, thirty-two feet one inch wide. Poplar street, from the river to Fifth street, thirty-two feet one inch wide. The same, from Fifth to Seventh street, fifty feet wide. Almond street, from the river to Fifth street, thirty-two feet one inch wide. Spruce street, from the river to Fourth street, thirty-two feet one inch wide. The same, from

Fourth to Seventh street, sixty feet wide. Myrtle street, from the river to Fourth street, thirty-two feet one inch wide. The same, from Fourth to Seventh street, sixty feet wide. Elm street, from the river to Fourth street, thirty-two feet one inch wide. The same, from Fourth to Seventh street, sixty feet wide. Walnut, from the river to Fourth street, fifty feet wide. The same, from Fourth to Seventh street, sixty feet wide. Market street, from the river to Fourth street, forty-eight feet one inch wide. The same, from Fourth to Seventh street, sixty feet wide. Chesnut, from the river to Third street, thirty-two feet one inch wide. The same, from Third to Seventh street, sixty feet wide. Pine street, from the river to Fourth street, thirty-two feet one inch wide. The same, from Fourth to Seventh street, sixty feet wide. Olive street, from the river to Fourth street, thirty-two feet one inch wide. The same, from Fourth to Seventh street, sixty feet wide. Locust street, from the river to Fourth street, thirty-two feet one inch wide. The same, from Fourth to Seventh street, sixty feet wide. Vine, from the river to Fourth street, thirty-two feet one inch wide. Laurel, from the river to Third street, thirty-two feet one inch wide. Prune, from the river to Third street, thirty-two feet one inch wide. Oak, from the river to Third street, thirty-two feet one inch wide. Cherry, from the river to Broadway, thirty-two feet one inch wide. Hickory, from the river to Broadway, thirty-eight feet one inch wide. Willow, from the river to Broadway, thirty-eight and a half feet wide.

§ 20. The name, extent and width of other cross streets which run also east and west, but do not begin immediately at the Mississippi river, are:—

Soulard street, from Fifth to Seventh street, fifty feet wide. Labadie street, from Fifth to Seventh street, fifty feet wide. Chouteau avenue, from Fifth to Seventh street, eighty feet wide. Papin street, from Fifth to Seventh street, fifty feet wide. Gratiot street, from Fourth to Seventh, fifty feet wide. Cerre street, from Fourth to Seventh, fifty feet wide. St. Charles street, from Third to Fourth street, thirty-eight and a half feet wide. The same, from Fourth to Seventh street, fifty feet wide. Washington avenue, from Third to Seventh street, eighty feet wide. Green street, from Third to Seventh street, fifty feet wide. Morgan street, from Third to seventh street, fifty feet wide. Franklin avenue, from Broadway to Seventh street, fifty feet. Wash street, from Broadway to Seventh street, fifty feet wide. Carr

street, from Broadway to Seventh street, fifty feet wide. Biddle street, from Broadway to Seventh street, fifty feet wide.

§ 21. The streets that are nearly parallel with the Mississippi, are hereby made and declared to be of the extent hereinafter mentioned, and of the width set forth, opposite their respective names, viz:

First street, from southern limits to northern limits, thirty-eight and a half feet. Second street, from southern limits to northern limits, thirty-eight and a half feet. Collins street, from Cherry to northern limits, forty-feet. Third street, from southern limits to Laurel street, thirty-eight and a half feet. The same, from Laurel to Prune street, sixty feet. The same, from Prune to Oak street, one hundred feet. Broadway, from Oak street to northern limits, one hundred feet. Fourth street, from Mullanphy street to Broadway, eighty feet. Fifth street, from southern limits to Biddle street, eighty feet. Sixth street, from southern limits to Biddle street, sixty feet. Seventh street, from southern limits to Biddle street, sixty feet.

§ 22. The western boundary of Front street, from Market street northwardly, is established as follows, viz: A straight line connecting the south-east corner of Pratte's warehouse (now occupied by Mullikin and Pratte) in block number eight, with the north-east corner of John O'Fallon's warehouse (occupied by John Lee & Co.) in block number eleven, and continuing the same course to the centre of Locust; thence a straight line to the north-east corner of the warehouse in block number fourteen, (now occupied by Sproule and Buchanan) and continuing the same course to the centre of Prune street; thence a straight line, touching the eastern front of the warehouses in block number sixteen, and continuing the same course to the centre of Cherry street; thence a straight line to the centre of Willow street, at the point where the western side of Madison street (in the northern addition,) being sufficiently produced, will intersect the same; thence along the western side of the continuation of Madison street, to the northern limits of the city.

§ 23. The western boundary line of Front street, from Market street southwardly, is established as follows: A straight line, connecting the north-east corner of the Market house, with the east front of Joseph Robidoux's brick house in block number five, and continuing the same course to the centre of Spruce street; thence a straight line to a point in the centre of Plum street, which point is exactly one hundred and eighty feet from the centre of First street; thence a straight

line in a direction parallel with First street to the southern limits of the city.

§ 24. The eastern boundary line of Front street, from the southern to the northern limits of the city, is established as follows, viz: commencing at the centre of Rutgers street, thence a straight line parallel with, and at seventy-five feet distance from the west boundary as above established, to the centre of Market street, and continuing the last course to the centre of Chesnut street; thence a straight line to a point in the centre of Locust street, which last point is at the distance of forty-three feet from the west edge of the street; thence a straight line to a point in the centre of Prune street, at the distance of thirty feet from the west edge of said Front street; thence a straight line to a point in the centre of Cherry street, at the distance of thirty feet from the west edge of said Front street; thence a straight line to a point in the centre of Willow street, which last point shall be at the distance of sixty feet from the west edge of Front street; thence in a direction parallel with, and at the distance of sixty feet from the west boundary line of said Front street, as above established, to the northern limits of the city.

§ 25. All the intermediate space, lying east of the eastern limits of Front street, and between the river Mississippi, at low water mark, and front street, is intended as a landing, and a place for wharves, and is hereby established and declared to be a public highway and landing to be devoted to such purposes only; and it shall be graded and paved, or otherwise improved, as the board of aldermen may by resolution direct.

§ 26. An alley not less than fifteen feet in width, to run northwardly and southwardly, shall be located through the centre of every block within the city, except such blocks as may be less than two hundred and fifty feet in depth, or such others as are, or may hereafter be excepted by ordinance.

§ 27. The alleys so located, shall be opened at the expense of the lot holders, whenever the proprietors of two-thirds of the ground shall make application therefor, in writing, to the city surveyor and street commissioner.

§ 28. The following alleys that have heretofore been opened, or ordered so to be, are hereby made and declared to be public highways, in the extent and width opposite to their respective names, viz:

Number seven, from Walnut street to Market square, fifteen feet wide. Number fourteen, from Laurel street to Prune street, eighteen

feet wide. Number twenty-six, from Oak street to Prune street, twenty feet wide. Number twenty-eight, from Laurel street to Vine street, twenty feet wide. Number thirty, from Locust street to Olive street, fifteen feet wide. Number thirty-one, from Olive street to Pine street, fifteen feet wide. Number thirty-three, from Chesnut street to Market street, twenty feet wide. Number fifty-nine, from Second street to Third street, twenty feet wide. Number sixty, from Market street to Chesnut street, sixteen feet wide. Number sixty-two, from Pine street to Olive street, fifteen feet wide. Number sixty-seven, from Prune street to Oak street, twenty feet wide. Number eighty-five, from Market street to Chesnut street, fifteen feet wide. Number ninety-four, from Franklin avenue to Morgan street, fifteen feet wide. Number one hundred and twenty-three, from Franklin avenue to Morgan street, fifteen feet wide. Number one hundred and twenty-four, from Sixth to Seventh street, fifteen feet wide. Number one hundred and thirty-two, from Sixth street to Seventh street, twelve feet wide. Number one hundred and thirty-five, from Myrtle to Spruce street, fifteen feet wide. Number one hundred and forty, from Wash to Carr street, fifteen feet wide. Number one hundred and forty-one, from Wash street to Carr street, fifteen feet wide. Number one hundred and forty-two, from Wash street to Carr street, fifteen feet wide. Number one hundred and forty-six, from Spruce street to Poplar street, fifteen feet wide. Number one hundred and sixty-one, from Gratiot street to Cerre street, fifteen feet wide. Number one hundred and sixty-two, from Cerre street to Poplar street, fifteen feet wide. Number one hundred and sixty-three, from Poplar street to Spruce street, fifteen feet wide. Number fifty-four, from Poplar street to Almond street, twenty feet wide.

§ 29. So much of the alleys as have been laid off by the proprietors of the ground through which they run, in blocks number eight, nine, ten, twenty-seven, twenty-nine, sixty-one, one hundred and twenty, are hereby declared to be public highways, in the extent and width assigned to them by the respective proprietors aforesaid.

§ 30. Wherever an alley not less than fifteen feet wide, shall hereafter be located and laid off by the city surveyor and street commissioner, in conformity with this ordinance, through the whole or any part of any block, within the limits of this city, the said alley shall thenceforth be, and the same is hereby declared to be a public highway.

§ 31. In that part of Market street which is forty-eight feet and one

inch wide, the side walk shall be nine feet four inches wide. In Walnut street, from Front street to Fourth street, the side-walk shall be twelve feet wide. In all other streets, of thirty and under forty feet wide, the side-walks shall be five and a half feet wide; those of forty feet, and under fifty feet in width, shall be eight feet wide; of streets of fifty feet in width, and under sixty feet, ten feet wide; of streets of sixty feet in width and under eighty feet, twelve feet wide; of streets of eighty feet in width, and under one hundred feet in width, fifteen feet wide: of streets one hundred feet wide and upwards, twenty-five feet wide; and all side-walks shall be paved with good hard red bricks, laid or put down upon a bed of sand, at least three inches thick.

§ 32. If the occupier, owner or claimant of any lot, neglect, fail or refuse, to pave or repair his side pavement, within the time required in the notice, as is provided for, the city surveyor and street commissioner shall forthwith cause the said pavement to be made, or repaired, without further notice, at the expense of such person so neglecting, failing or refusing, and the expenses incurred therefor, shall be recovered and collected as any other special tax.

§ 33. The curbing, guttering and paving of the carriage way, shall be let out to the lowest and best bidder, (unless otherwise ordered by the board of aldermen,) previous notice thereof being given for proposals for doing the work, by at least ten days insertion in the public newspaper which publishes the city ordinances, and by handbills set up at ten or more of the most public places within the city.

§ 34. Persons engaged in building, may occupy the side-walk and one-third of the centre pavement of the public highway next adjoining such building, with their lumber, scaffolding or building materials, for, and during the necessary time of constructing such building.

§ 35. If any owner, claimant or occupier of any lot, or lots, within the limits of this city shall cause, or suffer to be laid, contrary to this ordinance, the pavement of any side-walk, or foot pavement, by him, her or them, required to be made, he, she or they, so offending, shall forfeit and pay the sum of ten dollars for each and every offence, besides the expense of causing the same to be relaid, or laid anew, as is provided for.

§ 36. Any person, except the city surveyor and street commissioner, or his deputies, in his or their official capacity, who shall remove a city land mark, either in the streets, or at their intersection, or on the

edge thereof, shall forfeit and pay not less than five dollars, and not more than one hundred dollars, for each and every such offence, the one-fifth part of the said penalty for the use of the informer, and the other four-fifth parts for the use of the city, besides paying to the surveyor his regular fees for replacing the same, and all other expenses attendant thereon.

Passed by the board of aldermen, October 30, 1835.

JAMES P. SPENCER, *President.*

APPROVED, November 24, 1835.

JOHN F. DARBY, *Mayor.*

CONCERNING THE COMMON.

An ordinance concerning the common.

SEC. 1. Certain lanes and avenues in the common located.

2. Lanes and avenues named.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The lanes and avenues, except the one running between blocks four and five, marked on the survey of the St. Louis common, made by Charles Deward, by order of the committee of the board of aldermen on the St. Louis common, and approved by the board, and those by this ordinance hereinafter located, are hereby reserved for the purpose of serving as public highways.

§ 2. The said lanes and avenues shall be known by the following names, and their breadth and extent shall be as hereinafter specified: The avenue commencing at Chouteau avenue, running southerly from thence and parallel with the western base line of the common, and terminating at the river Mississippi, is one hundred and twenty feet wide, and shall be called Jefferson avenue. The avenue immediately east of Jefferson avenue, beginning at Chouteau avenue, and running between lots number ten and eleven, shall be sixty feet wide, and shall be called Fulton avenue. An avenue running immediately east of Jefferson avenue, and between blocks number fourteen, fifteen, twenty-two, twenty-three, thirty-two, and thirty-three, shall be sixty feet wide, and shall be called and known by the name of M'Nair avenue. An avenue running immediately east of and parallel with Fulton avenue, and running between lots number eight and nine, and blocks number three, four, fifteen, sixteen, twenty-one, twenty-two, thirty-three,

thirty-four, thirty-seven and thirty-eight, shall be sixty feet wide, and shall be called and known by the name of Carondolet avenue. An avenue running immediately east of, and parallel with Carondolet avenue, and passing between lots number six and seven, and between blocks number two, three, sixteen, seventeen, twenty, twenty-one, thirty-four and thirty-five, shall be sixty feet wide, and shall be called and known by the name of St. Ange avenue. An avenue immediately east of St. Ange avenue, and running between lots number two and three, and between blocks number one, two, seventeen and eighteen, shall be sixty feet wide, and shall be called and known by the name of Stoddard avenue. An avenue commencing at Fulton avenue, and running to Jefferson avenue, along the north side of blocks number fourteen and fifteen, shall be one hundred and twenty feet wide, and shall be called and known by the name of La Fayette avenue. An avenue immediately north of La Fayette avenue, commencing at Jefferson avenue, and running eastwardly to the eastern line of block number ten, shall be one hundred and twenty feet wide, and shall be called and known as Park avenue. Park avenue extended eastwardly to the east line of lot number nine and running parallel with the south boundary of said lot, shall be narrowed to sixty feet at said east line and extended from thence to Carondolet avenue, at same width of sixty feet, running parallel with the south boundary of lots number seven, eight and nine.

The two avenues east and west of the park, extending from Park to La Fayette avenue, shall be one hundred and twenty feet wide, and shall be called and known, the eastern one, by the name of Mississippi—the western one by the name of Missouri—avenues. The square formed and founded by La Fayette, Park, Mississippi and Missouri avenues, shall be reserved as a public square, subject to such rules and regulations as the mayor and board of aldermen may, from time to time, make, in relation thereto. Block number eighty-six, is reserved as a public square or landing, subject as aforesaid. The lanes running east and west, at right angles, or nearly so, with Jefferson avenue, are forty feet wide, and shall be called in numerical order, the northernmost one, number one, and so on, in regular progression to number fifteen, it being the most southwardly one.

Passed by the board of aldermen, March 21, 1836.

JAMES P. SPENCER, *President.*

APPROVED, March 25, 1836.

JOHN F. DARBY, *Mayor.*

P A W N B R O K E R S .

An ordinance to regulate, and license pawnbrokers, and money changers.

- SEC. 1. No person to exercise business of pawnbroker, &c. without license.
2. Persons wishing to exercise such business, to apply for license.
3. Register to certify number of licenses.
4. In licensing pawnbrokers, &c. same proceedings to be had as in licensing venders of merchandise.
5. No person to exercise business of pawnbroker, &c. at more than one place under the same license.
6. Penalty for offences.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. No person or persons shall exercise or follow the trade or business of a pawnbroker, or money changer, within the city of St. Louis, without a license first had and obtained therefor.

§ 2. All persons wishing to exercise the trade or business of a pawnbroker, or money changer, shall apply to the collector, whose duty it shall be to issue to the applicant a license; but no such license shall be granted until the applicant shall have paid to the collector for the time for which he wishes a license, at the rate of one hundred dollars per annum.

§ 3. The register shall certify to the auditor semi-annually, the number of licenses issued under this ordinance and the amount thereof.

§ 4. In licensing pawnbrokers and money changers, the same proceedings shall be had as are observed in granting licenses to venders of merchandise.

§ 5. No person or persons shall exercise the business or trade of a pawnbroker, or money changer, at more than one place within the city, by virtue of any license obtained under this ordinance.

§ 6. Any person offending against the provisions of this ordinance, shall forfeit and pay for the use of the city, the sum of five hundred dollars.

Passed by the board of aldermen September 29th, 1835.

JAMES P. SPENCER, *President.*

APPROVED, 14th October, 1835.

JOHN F. DARBY, *Mayor.*

DEPUTY REGISTER.

An ordinance authorizing the register to appoint a deputy.

- SEC. 1. Register authorized to appoint deputy.
 2. Duties of deputy.
 3. Register responsible for acts of deputy.
 4. No deputation to be made without approbation of the mayor.
 5. Deputy not to receive compensation from city.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The register of the city is authorized to appoint a deputy whose duty it shall be, to act in the absence of his principal.

§ 2. The deputy to be appointed as aforesaid, shall perform all the duties of the register during his absence.

§ 3. The register shall be responsible under his bond for the official acts of his deputy.

§ 4. No deputation shall be made under this ordinance except with the approbation of the mayor.

§ 5. The deputy to be appointed as aforesaid, shall not receive any compensation from the city of St. Louis.

Passed by the board of aldermen, October 16th, 1835.

JAMES P. SPENCER, *President.*

APPROVED, October 19th, 1835.

JOHN F. DARBY, *Mayor.*

 GRADING AND PAVING.

An ordinance concerning grading and paving.

- SEC. 1. Grading to be done at expense of city.
 2. Paving of carriage ways to be done at expense of city.
 3. Each ward entitled to annual expenditure of money.
 4. Where no expenditure or insufficient expenditure, proceedings regulated.
 5. Where expenditure exceeds, proceedings regulated.
 6. Register to make out each year statement of assessed value of real estate in each ward.
 7. Street commissioner to keep accounts of money expended.
 8. Grading and paving east of First street to be done at expense of city.
 9. Grading and paving in each ward not to exceed amount of expenditure to which the ward is entitled, except in certain cases.
 10. Board to judge of necessity.
 11. Grading and paving not to be done upon petition unless signed by two-thirds of owners.
 12. Curb stones to be set.

- SEC. 13. No part of street to be graded or paved less than length of a block.
14. No paving to be made unless connected with some other paved street.
15. Street commissioner to ascertain amount to be paid by petitioners.
16. Street commissioner authorized, on failure of petitioner to make side-walk, to have it done at petitioners' expense.
17. Street commissioner authorized to order side-walks to be paved, and to notify owners and holders.
18. Proceedings where owners fail to pave side-walk after notice.
19. Alleys to be graded and paved at expense of owners.
20. Street commissioner to give notice prior to entering into contracts.
21. Costs of paving alleys, how to be paid.
22. Street commissioner to report apportionment of costs to the board.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The grading of all the streets and public alleys, shall hereafter be done at the expense of the city.

§ 2. The paving of the middle or carriage way of all the streets, shall likewise hereafter be done at the expense of the city.

§ 3. Each ward shall be entitled to an annual expenditure of money for the purpose of grading and paving the streets within its limits, equal to one per centum of the assessed value of the real estate which it contains.

§ 4. Should there be no expenditure of money for the purpose of grading and paving in any ward, or should the expenditure not be as great as the amount to which it is entitled, the unexpended amount shall be added to the amount of expenditure to which that ward shall be entitled during the succeeding year.

§ 5. Should the expenditure of money for the purpose of grading and paving in any ward, exceed the amount to which that ward is entitled, the difference shall be deducted from the amount to which that ward shall be entitled during the succeeding year.

§ 6. The register shall make out and present to the board of aldermen, at their first meeting after the general election, in the month of June in each year, a true statement of the assessed value of the real estate in each ward.

§ 7. The street commissioner shall keep correct accounts of the amount of moneys expended in each ward under this ordinance, for grading and paving, and present a statement thereof to the board of aldermen at the time specified in the preceding section.

§ 8. The grading and paving of the carriage ways, to be done east of First street, shall be done at the expense of the city by order of the

board of aldermen, without respect to the assessed value of the real estate in the different wards through which the street passes.

§ 9. In no case shall the amount of grading and paving, or either, done in any ward of the city, under this ordinance, exceed the amount of expenditure to which that ward is entitled, except it be for the purpose of completing a work already begun, and which would be seriously injured or deteriorated by delay of its completion until the succeeding year.

§ 10. In all cases embraced in the preceding section, the board of aldermen shall judge of the necessity, and shall have power to make the surplus expenditure which shall be placed to the debit of the ward in which it is made, as heretofore provided in this ordinance.

§ 11. No grading and paving shall be done under this ordinance upon the petition of the inhabitants of any ward, unless such petition be signed by the owners of two-thirds of the property fronting on the street, prayed to be graded or paved, or both, and unless the signers agree in their petition to pay for the curb stones of the pavement to be made, or of the street to be graded, and that they will make the sidewalks along their respective fronts in the manner prescribed by ordinance, or agreeably to the orders of the board.

§ 12. In all the streets which shall hereafter be graded, the street commissioner shall cause curb stones to be set in the same manner as if the same were to be paved.

§ 13. No part of a street shall be graded or paved under this ordinance, of a less extent than the length of one square or block.

§ 14. There shall be no paving of any street made hereafter, unless the same be connected with some other paved street.

§ 15. Whenever any street shall have been graded or paved under the provisions of this ordinance, the street commissioner shall ascertain the amount which is to be paid by the petitioners for the curb-stones set on such street, and the amount so ascertained shall be levied and collected as a special tax from the petitioners in the usual manner of collecting city taxes.

§ 16. The street commissioner shall have power upon the failure, neglect or refusal, of any petitioner, to make his side walk, and after thirty days notice given to him so to do, to contract for the making of the same, and to cause the same to be made, and the cost of making such side walk, shall be levied upon and collected in the usual manner from the delinquent petitioner.

§ 17. The street commissioner shall have power to order the paving of the side-walks of any paved street or part of a street, by giving to the owners or holders of the lots adjoining, thirty days previous notice so to do.

§ 18. If any person after being notified as aforesaid, shall fail, neglect or refuse, to pave the side-walk as required, the street commissioner shall proceed and act in the same manner as is prescribed in the fifteenth section of this ordinance.

§ 19. Alleys shall be graded and paved at the expense of the owners of the lots bordering on the same.

§ 20. Before any such contract shall be made by the street commissioner, he shall give ten days' previous notice by handbills set up in the most public places of the city that he will receive proposals for performing the required labor.

§ 21. The cost of paving such alley when completed, shall be ascertained by the street commissioner, and apportioned amongst the owners of property fronting on said alley according to the respective fronts.

§ 22. Having made the apportionment required by the preceding section, the street commissioner shall report the same to the board of aldermen, who, if they approve thereof, shall order the same to be levied and collected as a special tax.

Passed by the board of aldermen, January 7, 1836.

JAMES P. SPENCER, *President.*

APPROVED January 19, 1836.

JOHN F. DARBY, *Mayor.*

BAWDY HOUSES.

An ordinance to prevent bawdy houses.

Sec. 1. Penalty on persons keeping bawdy houses in the city.

Be it ordained, by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That if any person or persons shall keep, within the limits of the city, any bawdy house, such person or persons so offending, being convicted thereof, shall be fined in the sum of ninety dollars for the first offence, and five hundred dollars for every subsequent offence.

Passed by the board of aldermen, May 4, 1835.

JAMES P. SPENCER, *President.*

APPROVED, May 4, 1835.

JOHN F. DARBY, *Mayor.*

PUBLIC BATHING.

An ordinance to prevent public bathing.

SEC. 1. Penalty on persons who bathe publicly within the city.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That if any person shall publicly bathe, wash or swim, when naked, in the Mississippi river, or in any other water course within the limits of the city of St. Louis, between day light and eight o'clock in the evening, every person so offending, on conviction thereof, shall pay a fine of ten dollars, and the officers of the city are hereby specially empowered to arrest and prosecute all persons offending against this ordinance.

Passed by the board of aldermen, April 4, 1835.

JAMES P. SPENCER, *President.*

APPROVED, May 12, 1835.

JOHN F. DARBY, *Mayor.*

FIRE ARMS.

An ordinance to prevent the discharge of fire arms in the city of St. Louis.

SEC. 1. Penalty for discharging fire arms or works in the city.

2. Proceedings in cases where minors or slaves offend against this ordinance.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That any person who shall fire or discharge any caribine, fusil, musket or pistol, or other arms, or any squib, cracker or rocket, within the city of St. Louis, shall, upon conviction thereof, forfeit and pay to the use of the city, five dollars; and if the person so convicted shall not be able to pay the fine which shall be imposed, he shall be imprisoned not less than four, nor more than ten days: *Provided*, That the discharge of fire arms by the militia, on days of parade by command of their officers, or days of public celebrations, shall not be deemed a breach of this ordinance.

§ 2. In all cases wherein minors or slaves shall offend against this ordinance, their guardians or owners shall be liable to pay the forfeit-

ure, to be sued for and recovered against said guardians or owners, by action of debt or trespass on the case.

Passed by the board of aldermen, May 4, 1835.

JAMES P. SPENCER, *President.*

APPROVED May 12, 1835.

JOHN F. DARBY, *Mayor.*

RIDING AND DRIVING.

An ordinance concerning riding and driving.

SEC. 1. Penalty for running or driving horses, &c. in the city.

2. Proceedings in cases where minors offend.

3. Proceedings in cases where slaves offend.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. If any person or persons shall run any horse, mare or gelding, or drive any wheel carriage in any street or public highway within the city of St. Louis, or shall ride any horse or mule, or drive any wheel-carriage, quicker or beyond a moderate trot or pace, unless in case of urgent necessity, in any street or public highway, every person so offending shall forfeit and pay, for the use of the city, five dollars, with costs at the discretion of the mayor and aldermen, before whom such conviction shall be had, the one half part of which fine shall go to the informer, and the other half to the mayor for the use of the city, unless such conviction shall be had on the view of the mayor or aldermen, in which case the whole fine shall go to the mayor for the use of the city.

§ 2. If any minor shall offend against this ordinance, and shall be thereafter convicted as aforesaid, execution shall issue for the fine and costs against the goods and chattels of the parent, master or guardian of such minor.

§ 3. If any slave shall offend against the provisions of this ordinance the master or mistress of such slave shall forfeit and pay, for the use of the city, the sum of five dollars for each and every offence committed by such slave, which shall be recovered as herein provided.

Passed by the board of aldermen, May 11, 1835.

JAMES P. SPENCER, *President.*

APPROVED, May 14, 1835.

JOHN F. DARBY, *Mayor.*

WAGONS, CARTS, DRAYS AND CARRIAGES.

An ordinance for regulating wagons, carts, drays and carriages.

CHAPTER I.—Of Regulations.

CHAPTER II.—Of wagons, carts and drays.

CHAPTER III.—Of hackney carriages.

CHAPTER I.

Of Regulations.

- SEC. 1. Regulations as to the manner in which persons shall ride or drive in the city.
2. Sleighs, and other carriages upon runners, to have bells fixed to the horses drawing the same.
 3. Drays, carts, &c. how to be placed in the streets when unemployed.
 4. Penalty on persons placing drays, carts or carriages at the intersection of streets.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That no person whomsoever, shall sit or stand in, or upon any carriage, or on any horse or beast harnessed thereto, in order to drive the same, unless he shall have strong lines or reins, fastened to the bridles of his beasts, and held in his hands, sufficient to guide and restrain them from running, galloping, or going at immoderate rates through the said streets, and no person whomsoever, driving any such carriage, or riding upon any horse, mare, gelding, mule or ass, in or through the said city, shall permit or suffer the beast or beasts he shall so ride, to go in a gallop or other immoderate gait, so as to endanger persons standing or walking in the streets, lanes or alleys thereof; and that all porters, carters and other persons having the care of any such carriages, passing through the city, who shall not hold the reins in their hands, to guide and restrain their beasts in the manner aforesaid, shall walk by the head of the shaft or wheel horse, holding or within reach of the bridle or halter of the said horse, in order to guide or restrain, in manner aforesaid; and no wagon, cart or dray, shall be driven in the streets of the city, at a faster rate than a walk, or moderate trot or pace; and that any person wilfully or negligently offending in any, or either of the cases aforesaid, shall forfeit and pay for every such offence, a fine of five dollars, with costs of suit, to be recovered, on conviction, before the mayor or any alderman of the city.

§ 2. That no sleigh, sledge or carriage of pleasure upon runners, shall be permitted to go or pass through the streets, lanes or alleys of the city of St. Louis, unless one or more bell or bells be fixed to the

horse or horses drawing the same, in order to give notice of their approach, under the penalty of five dollars for every such offence.

§ 3. That each and every drayman, carter or wagoner, when unemployed, shall place his horse and dray, cart or wagon, lengthways close to the curb stones, in the street in which he shall stand, or within five feet of the side of the street, if no curbstones, so as to leave a footway open for passengers, and that not more than one range of wagons, drays or carts, shall stand in any street, the driver standing at the head of his horse or horses, under the penalty of two dollars for every such offence.

§ 4. That if any wagoner, carter, drayman or any other driver of any carriage, sleigh or sledge, for pleasure or burden, shall stop or place any such carriage, sleigh or sledge, in any street, or near the intersection of any street, lane or public alley, in such manner as to cross the footway, or prevent a free passage in such footway, street, lane or public alley, in the direction or line of such street, lane or public alley, every person so offending, shall forfeit and pay for every such offence, a fine of five dollars.

CHAPTER II.

Of Wagons, Carts and Drays.

- Sec. 1. No person to drive a dray, &c. for pay without having the same entered and numbered in the manner described by this section.
2. Penalty on owners failing to have their drays, &c. entered and numbered.
 3. Owners to take out certificates of registry annually.
 4. Penalty on persons violating the provisions of the preceding section.
 5. No person shall demand fare for the use of dray, &c. unless the same has been entered and registered—penalty.
 6. Persons owning drays, &c. responsible for goods delivered to them.
 7. Penalties imposed by this ordinance to be liens on drays, &c.

§ 1. *And be it further ordained,* That no owner or owners of wagons, carts and drays, employed in the transportation of articles of any kind, within the limits of the city of St. Louis, for hire or pay, shall himself employ, or suffer to be employed, his, her or their wagon, cart or dray, for the purpose aforesaid, within the limits of said city, unless such wagon, cart or dray, be first numbered and entered in the manner hereinafter directed, that is to say: they shall be numbered with plain and conspicuous figures of metal, not less than three inches in length, well secured on the outside of the near shaft or side, to begin with

number one, and so on progressively to the extent of the number of such carrirges, and the same shall be entered and registered, together with the name and place of abode of such owner or owners, by the register of the city of St. Louis, in a book to be kept for that purpose; and any person becoming the purchaser or owner of any such carriage, and upon which a tax has been paid, as is hereinafter provided, shall, within three days thereafter, have the same entered and registered in his own name, in manner aforesaid; and upon failure thereof, shall forfeit and pay the sum of ten dollars; and the register aforesaid shall, thereupon, give a certificate of such entry, and shall receive for the use of the corporation, from the owner or owners of such wagons, carts or drays, the sum of ten dollars, for each and every wagon, cart or dray; and the same course and proceedings shall be had and adopted in all future cases of persons setting up or following the said business or employment: *Provided*, That in cases of transfer of wagons, carts or drays, the purchaser shall not be required to pay any additional tax thereon.

§ 2. That every owner or owners of wagons, carts or drays, who shall fail to enter and register his or their wagons, carts or drays, as required above, shall forfeit and pay, for each and every day the same shall remain unentered and unregistered, the sum of ten dollars.

§ 3. That the owner or owners of any wagon, cart or dray, shall, annually, between the first and fiteenth of October, appear at the office of the register aforesaid, and take out new certificates, for which certificates they shall respectively pay to the register aforesaid, the sum before mentioned of ten dollars.

§ 4. That the owner or owners of wagons, carts and drays, who shall fail to take out new certificates, as required above, shall forfeit and pay for each and every day while he or they shall be in default, the sum of ten dollars.

§ 5. That no person or persons shall be entitled to demand and receive for the hire or pay of his, her or their wagons, carts or drays, any sum or sums of money, or compensation whatsoever, unless the same has been entered, registered and certified as aforesaid; and shall forfeit and pay, if he, she, or they neglect or refuse to have the entry made, and to obtain the certificate aforesaid, the sum of three dollars, for each and every time he, she or they, respectively, shall use or employ, or suffer to be used or employed, his, her or their wagon, cart or dray.

§ 6. That all and every person owning or driving wagons, carts or drays, shall be responsible for all goods, wares and merchandise delivered into their care for hauling.

§ 7. That the penalties hereby imposed shall be and continue liens on the wagons, carts and drays, in respect whereof they may have been incurred, till the same are paid and satisfied.

CHAPTER III.

Of Hackney Carriages.

- Sec. 1. What declared to be hackney carriages.
2. Hackney carriages to be numbered, registered and licensed.
 3. Amount of license to be paid on hackney carriages.
 4. Persons wishing to keep hackney carriage to apply for a license to the mayor—penalty for neglect.
 5. Fines imposed on hackney carriages to be a lien on the same.

§ 1. *Be it further ordained,* That every two or four wheeled carriage which shall be kept or used within this city, for the purpose of carrying and conveying persons to and fro, through the city, (mail stages only excepted) or from said city to places without the same, or from places without the city to any places within the same, for hire or payment received by the owner, agent or driver thereof, is hereby declared to be, and shall be declared and taken to be, a hackney carriage, within the meaning of this ordinance.

§ 2. That no owner or owners of any four or two wheeled carriage, kept or used for hire as a hackney carriage, within the limits of the city of St. Louis, shall himself employ or use, or suffer to be used or employed, any carriage kept or used for the purpose aforesaid, within the limits of said city, unless such carriage be first entered, numbered, and licensed, in the manner hereinafter directed, that is to say—each one shall be numbered, on some conspicuous part of the body thereof, with plain and conspicuous figures, in oil paint or of metal, not less than two inches in length, to begin with number “one,” and so on progressively to the extent of the number of such carriages; and the same and all assignments and transfers, shall be entered and registered, together with the name and place of abode of the owner or owners thereof, by the register of the city of St. Louis, in a book to be by him kept for that purpose, and such license shall not be assignable or transferable, without the consent of the mayor of this city.

§ 3. There shall be paid to the collector, for the use of the city of St.

Louis, for a license to keep a four wheeled carriage as a hackney, the sum of ten dollars per annum; and for a license to keep a two wheeled carriage for that purpose, the sum of five dollars per annum: *Provided, however,* that a license for any such carriage may be taken out for six months, at the rate of one half the sums aforesaid; and the register of the city shall be entitled to demand and receive, of each and every person obtaining either an annual or a semi-annual license, the sum of fifty cents, as a fee for his service, in entering and registering the same, or for registering a transfer.

§ 4. That every person wishing to keep any four or two wheeled carriage as a hackney carriage, within the limits of the city of St. Louis, shall apply to the mayor for a license to keep the same; who, on the payment of the license money, is authorized to issue license. And any person or persons keeping or using, or who shall permit to be kept and used, any four or two wheeled carriage, for the purpose aforesaid, without first obtaining a license therefor, and causing such carriage to be numbered and registered as hereinbefore directed, or who shall use or permit to be used, any such carriage, for the purpose aforesaid, without having a license continuing in force, shall forfeit and pay, for the use of the city of St. Louis, the sum of forty dollars for each and every offence, to be recovered by action of debt, before any tribunal having jurisdiction thereof.

§ 5. That the fine imposed on persons keeping, using, or letting to hire, hackney carriages, under and by virtue of this ordinance, shall be and continue liens on the carriages, in respect whereof they may have been incurred, till the same are paid and satisfied.

Passed by the board of aldermen, March 28, 1835.

HUGH O'NEIL, Jr. *President.*

APPROVED, 30th March, 1835.

JOHN W. JOHNSON, *Mayor.*

Y

CITY MARKET.

An ordinance to regulate the city market.

CHAPTER I.—Of the Constable.

CHAPTER II.—Of Regulations.

CHAPTER III.—Of Prohibitions.

CHAPTER IV.—Of further Regulations and Prohibitions.

CHAPTER I.

Of the Constable.

- Sec. 1. Constable to perform the duties imposed by this ordinance, and to give bond for the performance thereof.
2. Duties of city constable specified.
 3. Power of the city constable in relation to the market house and square.
 4. Further specification of the powers and duties of the city constable.
 5. Penalty on constable failing to attend at the market house during market hours.
 6. Constable empowered to summon by-standers to aid in arresting offenders—penalty on persons refusing to obey the summons.
 7. Constable may compel the payment of the rent of stalls by distress.
 8. Power of the constable to exist in the day and night time in and about the market house and square.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That the city constable shall perform the several duties required of him by this ordinance, and that the said constable shall, before he take upon himself the duties of his office, give bond with sufficient security, in the sum of one thousand dollars, to be approved by the mayor and aldermen of the city, with conditions thereto annexed, that he will well and truly discharge the duties required of him by this ordinance, and that he will render to the mayor, quarter-yearly, a true account of all moneys he shall, from time to time, receive by virtue of his appointment, and that he will well and truly pay over the same to the treasurer of the city, for the use of the city.

§ 2. That it shall be his duty to superintend the whole of the market square, and to take care of the market house, and all other buildings and fixtures erected, or to be erected upon the market square, so as to prevent and punish, or cause to be punished, all injuries and damages which may be done to the same; and it shall also be his duty to cause all persons to be prosecuted, by suit or otherwise, who may wilfully or negligently injure, deface, damage or destroy the

same, or any part of the said buildings and fixtures; and said constable shall, also, rent out, and lease, from time to time, all stalls, shambles, benches, blocks, stores, shops, rooms, vaults, cellars and sheds, which are or may be directed by ordinance to be rented and let, or which may be directed to be rented or let, by any resolution of the board of aldermen, on the best possible terms, on the behalf, and in the name of the city, for any term not exceeding one year at a time; and it shall be his duty to demand, sue for, and receive, all rents issuing from said buildings, stalls, shambles, sheds, &c. when necessary, and to dispose of the same, as he is, or shall be, directed by ordinance or resolution of the board of aldermen.

§ 3. That in order the better to enable the constable in said city to maintain peace and good order in the public market of said city, he is hereby declared to be vested with full power and authority in and about said market, during market hours; and it shall be lawful for said constable, when he may deem it necessary for the public good, to apprehend and take into his custody, without precept or warrant, all persons who may be found in and about said market square, drunk, fighting, quarrelling, reviling, threatening, swearing, blackguarding, pilfering, stealing, robbing, cheating, swindling, or disturbing the good people at or about said market, or committing other offences against the ordinances of said city, and confine such offenders in the city guard house or goal of the county, until such time as his other duties will allow him leisure to carry such offenders before the mayor, or any alderman, or justice of the peace, within said city, to be dealt with according to the ordinances of the city, and the laws of the land.

§ 4. That it shall be the duty of the constable to cause to be executed, all ordinances, rules and regulations, touching or concerning the market, and to prevent all blown, unſound and unwholesome provisions from being sold or exposed for sale within the same, and to weigh, try and examine, all butter, lard, and other articles of provisions, sold at a given weight, and to see that the same are of due weight, for which the same are offered for sale at the rate of sixteen ounces, avoirdupoise, to the pound, and the same, when false, to be seized and disposed of to the highest bidder for the use of the city; to decide all differences and disputes which may arise in the said market, between buyers and sellers, touching the weight and measure of things there bought and sold; and to examine all persons suspected of selling provisions, as hucksters, at second hand, and to prosecute, according to the directions of this

or any other ordinance, all such as shall be found offending against the same, and to prevent all hucksters and other persons from selling, or exposing for sale, any goods, wares or merchandise, within the limits of the aforesaid market, except merchandise of their own manufacturing, at any time during market hours; and cause the market to be swept at least twice in every week, on the days next preceding market days, and to remove all dirt, filth and snow from the same, as often as may be necessary.

§ 5. That if the constable shall refuse or neglect to attend, at the hours and times appointed by this ordinance, he shall, for every such offence, forfeit and pay the sum of five dollars for the use of the city.

§ 6. That the said constable shall have power, (the better to enable him to make arrests, as aforesaid, and to secure such offenders when arrested.) to summon the by-standers to aid him; and if any person, after being summoned by said constable to aid him in the execution of the authority delegated to him by this ordinance, shall neglect or refuse to render such assistance, such person shall be subjected to the same penalties and proceedings for like offences as by ordinance provided.

§ 7. That the constable shall have full power and authority to distrain and sell any meat or provisions, upon any stall rented by him, to any person or persons, renting the same; or if the person having the use and occupation of the stall or shamble, shall not pay the rent due thereon: and the said constable is hereby empowered to collect all rents, liens and forfeitures, incurred by reason of this ordinance, and pay the amount over to the treasurer for the use of the city.

§ 8. That the powers of the constable shall be extended in and about said market square and house, at all times and hours of the day and night; and he shall have power and authority, at all times, to exercise said authority, by arresting all and every disorderly or drunken person, who may be found upon or near said market square, and to arrest all persons who may be guilty of any breach of the provisions of this ordinance, without any warrant or precept; and he shall dispose of all offenders who shall be by him arrested as aforesaid, as is directed by this ordinance, *Provided, however,* that said constable may release any person from arrest whom he may have arrested as aforesaid, without any trial, if the offender shall first pay to said constable a sum not exceeding ten dollars, at the discretion of the constable for the use of the city aforesaid.

CHAPTER II.

Of Regulations.

- Sec. 1. Market hours declared.**
2. Provisions, &c. to be taken to market house for sale.
 3. Penalty on persons placing horses, &c. on pavement of market house, or who slaughter or place filth within the same.
 4. No wagon, &c. to stand nearer than ten feet within the market house—wagons, carts, &c. how to be placed on the market square.
 5. Penalty on persons who deposit lumber or filth on the market square.
 6. Penalty on butchers and others who sell or expose to sale within the city any sick or diseased animal
 7. Penalty on persons who sell dead flesh, or fish which was diseased.
 8. Penalty on persons selling meat deemed unfit for food.
 9. Persons other than butchers not allowed to sell meat in the market house by less quantity than by the quarter.
 10. Grocers, hucksters, &c. prohibited from buying more than a certain quantity of produce.

§ 1. *And, be it further ordained,* That market hours shall be from day-light in the morning until 10 o'clock, A. M., from the first day of April to the first day of September; and from the first of September to the first of April until 12 o'clock.

§ 2. That all victuals and provisions, whatsoever, brought by land or water to the city of St. Louis for sale, except all kinds of grain, flour, corn meal, bread, butter in firkins or other vessels, exceeding fifteen pounds nett weight, cheese, bacon, pork by the hog, beef by the quarter, beef and pork by the barrel or large cask, live cattle, sheep or hogs, shall be taken to the market house, there to be sold at market hours.

§ 3. That no person or persons, shall lead, ride or drive into the market-house, or on any pavement thereof, or within ten feet thereof, any horse or other beast, wagon, cart, or carriage of any kind whatever, or kill or slaughter, within the limits of said market, any beast of the beef, sheep or hog kind, or lay thereon, or deposite any dirt, filth, garbage, dung or offal therein, under the penalty of five dollars for the use of the city.

§ 4. That no wagon, carriage, cart, dray, or carriage of any description, shall stand nearer the market house, than ten feet, and to be so arranged as for the hind gate to stand towards the market house, or towards the brick walks leaving a space of at least three feet between them, and shall, in no case whatsoever, encroach on the passways or avenues, passing to or from the market, under the penalty of two

dollars, for each and every such offence, to be recovered as other moneys, and paid over for the use of the city.

§ 5. That if any person shall presume, (without first having obtained the consent and approbation of the city authority) to bring or deposit upon the market square, any nuisance, or any lumber, wood, logs, timber, boats or other craft, any stone, lime, sand, brick or earth, or any hogsheads, pipes, puncheons, barrels, casks or kegs, not containing provisions intended to be sold at market, in the usual way, or any boxes or crates containing merchandise, or other articles of merchandise not intended to be sold in market, in the usual manner, such person shall forfeit and pay to, and for the use of said city, the sum of five dollars for the first offence, and ten dollars for the second, twenty dollars for the third, and forty dollars for the fourth offence; and in each and every case, the further sum of ten dollars per day, for each and every day, that all or any of said articles or things, shall remain upon said public square, without authority first obtained as aforesaid, to be recovered by action of debt, or information before the mayor, any alderman or justice of the peace, within said city, together with costs of suit, in the name of the mayor, aldermen and citizens of the city of St. Louis.

§ 6. That no butcher or other person, shall sell, or expose to sale in market, or any other place within the limits of said city, any sick or diseased live animal, usually eaten for food, and for the purpose, and with the design, that the same shall be immediately used for food, knowing, or believing the same to be sick or diseased; and all and every person so offending, shall forfeit and pay to, and for the use of said city, the sum of fifty dollars and costs of suit, to be recovered by an action of debt, or on information before the mayor, any alderman or justice of the peace, within said city; *Provided*, That each and every sick or diseased animal, so sold as aforesaid, shall constitute a distinct and separate offence, under the provisions of this ordinance.

§ 7 That if any butcher or other person, shall sell, or expose in public market, or in any other part of said city, any dead flesh or fish, which was sick, overheated, or worn or run down by dogs, at or before the time when the same was butchered or slain, or which hath died a natural or violent death, out of the usual manner of slaying animals, or hath been killed by accident, or casualty; or if any person shall sell or expose to sale, any putrid, blown or unsound flesh, fish, eggs, butter, lard or other damaged articles of provision, all and every person so offending, shall forfeit and pay to, and for the use of said city, the

sum of fifty dollars, and costs of suit, to be recovered by action of debt, or on information, in the name of "the mayor, aldermen and citizens of the city of St. Louis," before the mayor, any alderman or justice of the peace, within said city: *Provided*, That each person to whom such offenders shall have sold any of said articles, shall constitute a separate and distinct offence in the vendor: *Provided, also*, That all articles exhibited in market, as though the same were intended for sale, whether the same be sold or not, shall be, and is hereby, declared to be an exposure of the same for sale, within the meaning of this ordinance: *And provided, also*, That if any such offender shall be a butcher, owning or occupying a stall or shamble, in the market house, he shall also forfeit his lease of said stall or shamble, to said city, and shall never after be permitted to lease or occupy any stall or shamble, within said city, nor to deal in butchers' meat in said city; and for each and every attempt to do so, or if he shall do so, he shall forfeit and pay to said city, the sum of fifty dollars, to be recovered as aforesaid.

§ 8. That if any butcher or other person, shall sell, or expose to sale in the market, or any other part of said city, the flesh of any bull, boar, ram, dog, cat, or the flesh of any animal, not commonly deemed wholesome or fit for food, without representing to all persons wishing to purchase, the nature and true quality, character and name of such animal flesh, he or she shall forfeit and pay to said city, for each and every offence, the sum of ten dollars, to be recovered as aforesaid, together with costs of suit; and if such offender be a butcher, and the owner or occupier of a stall or shamble in said market, he shall forfeit the same to said city, and shall be subject to all the disabilities and penalties resulting from such disabilities which are imposed on butchers by this ordinance.

§ 9. That no person or persons whomsoever, not being the owner or occupier of a butcher's stall, in the market house, shall be permitted to cut up and sell, or offer for sale, any kind of fresh meat, by less quantity than by the quarter, under the penalty of five dollars for every such offence.

§ 10. That no grocer, huckster, or any other dealer in provisions, shall purchase at market, more than ten pounds of butter, nor more than six dozen of eggs, nor more than two dozen of chickens; nor more than fifty pounds of bacon hams, either by themselves or agent whomsoever for them, before ten o'clock, A. M., every morning, and

after four o'clock in the evening; and all persons bringing butter to market, shall have the same weighed and sold by weight, and in no other manner, under the penalty of not less than one, nor more than five dollars for every such offence.

§ 11. That no butcher or other person, who may attend market for the purpose of selling, shall be permitted to purchase provisions, vegetables, nuts, or fruit, as the agent of any tavern keeper, or other person or persons, under the penalty of ten dollars.

CHAPTER III.

Prohibitions.

- Sec. 1. Loungers not permitted to infest the market house.
2. Persons infected with contagious diseases not to go to the market house.
 3. Persons not permitted to sell spirituous liquors on the market square, or set up eating tables or deposit filth upon the market square, or make fires on the s^{ill}ine.
 4. Penalty on persons violating the preceding section.
 5. Flour, &c. to be weighed according to standard weights.
 6. Mode of proceeding when slaves have been guilty of violations of this ordinance.
 7. Proceedings when minors or apprentices have been guilty of breaches of this ordinance.
 8. Goods, wares or merchandize, not to be sold on the market square, or streets adjacent thereto.

§ 1. *And be it further ordained,* That no person shall be permitted to infest the market house or square, before or after market hours, nor on Sunday, by idling or lounging, sitting, lying, standing, walking or sleeping, in, upon, or about said house or square, for any purpose or pretence whatsoever, unless the lawful business or occupation of such person shall render it absolutely necessary for him, or her, to go upon said square, or in said house, and there remain a reasonable time; nor shall any person be permitted, at any time, to sit, stand, recline, lie, or sleep, upon any bench, board, table, floor, block, shamble, stall, or other place within said market house, or upon said square: *Provided, however,* That this section shall not be so construed as to extend to any person who shall sit upon any bench, plank, or other place in said market, which may be, by him or her, occupied, during market hours, for the purpose of selling, or exposing to sale, any article which may be lawfully sold in said market; nor to any person who may suddenly become sick, wounded or disabled, in said market: *Provided,* That such sick, wounded or disabled persons, shall be removed from said market house, or square as soon as it can be conveniently done.

§ 2 That it shall not be lawful for any person who shall, or may be afflicted with any infectious or contagious disease, or malady, to go

upon said market square, or into said market house, during market hours; nor shall it be lawful for any drunken or disorderly person to come upon, be, or remain at, or upon said market square.

§ 3. That no person shall be allowed or permitted to sell, retail, give away, or use any wines or spirituous liquors, or any ale, beer, porter, cider, mead, methiglen, or any brewed, fermented or mixed liquors or drinks, in or about said market house, or upon, at or near said square: nor shall any person be allowed or permitted to set up, or keep in said market house, or square, any table, board, or any contrivance for the purpose of eating or drinking, at, about, or on the same, without the express leave of the constable of the city, which leave shall not extend beyond the regular market hours; nor shall any such table, board or contrivance, be set up or kept, in or upon any other place than such place as shall be designated by said constable; nor shall any person, or persons, be permitted or allowed to retail or sell any meats, fish, vegetables, bread or bread-stuffs, in said market house, or square, to be there used or eaten, without leave of said constable first obtained; nor shall any person or persons whomsoever, be permitted or allowed to throw, place or deposit in, or upon said market square, or in the market house, any melon rinds or parings, nor the rinds or parings of any fruit, potatoes, turnips, or other vegetables; nor shall any person be allowed or permitted to place or deposit on said square, or in said house, any refuse, putrid or offensive animal or vegetable matter; nor shall any person be allowed or permitted to use or smoke any pipe or cigar, in said market house, or upon said square, during market hours; nor shall any person be permitted, at any time, to smoke any pipe or cigar within the said market house; nor shall any person, during market hours, kindle or burn upon said market square, or in or about said market house, any wood, turf, coal, or vegetable matter, without the express permission of the constable of the city; nor shall any such wood, coal, turf, or vegetable matter, be kindled or burnt on any other place on said market square, than such place as shall be designated by said constable: *Provided, however,* That it shall be lawful for any person, without leave, to kindle and burn charcoal upon said market square and in the market house, in close earthen or stone vessels: *Provided,* That such vessels shall be moveable, and shall only be used as aforesaid, during market hours, and at such places and in such manner, as to produce no danger to the wood work of said market house, and so as to produce no inconvenience to persons being and passing in and

about said market: *Provided, however,* That the provisions of this section shall not extend to the stores or shops under the market and town house.

§ 4. That each and every person who shall offend against the provisions or prohibitions contained in this ordinance, shall, for each separate and distinct offence, forfeit and pay as a fine, to and for the use of the city, the sum of ten dollars and costs of suit, which fine and costs shall be recovered by action of debt, or information before the mayor, or any alderman or justice of the peace within the said city.

§ 5. That all flesh, flour and other provisions sold by weight, shall be weighed by scales and weights, duly stamped and regulated by the officer duly appointed for that purpose—such scales and weights to be provided by the seller—and if any person shall be guilty of selling by unjust weights or false measures, he, she or they, shall pay a fine of five dollars, to be recovered with costs, for the use of the city.

§ 6. That when any slave shall be guilty of any breach of this ordinance, such slave shall be arrested as other persons may be for similar offences, and detained in custody until his or her master or mistress shall redeem such slave, by paying to said constable the sum of five dollars, for the use of the city, as a fine, or until after a trial and judgment against or in favor of the master or mistress of such slave, and till fine and costs shall be paid: and in all such cases, where the master or mistress of such slave shall neglect or refuse to release such slave from arrest, as aforesaid, for the period of twenty-four hours, proceedings shall be commenced against such master or mistress, by action of debt or information, before the mayor, or some alderman or justice of the peace within said city, in the usual form. And if the master or mistress of such slave cannot be served with process, by reason of absence or non-residence in the city, upon a return of a summons or capias, by the constable, “not found,” the officer by whom the summons or capias was issued, or his successor, shall make an order on his docket, directed to the master or mistress of such offending slave, notifying him or her of the arrest and imprisonment of such slave, stating the nature of the offence charged, and that if such master or mistress shall not appear and defend the action instituted against him, or her, within ten days after publication of such order, that such mayor, alderman, or justice, will proceed *ex parte*, to the trial of the cause, and that such slave will be sold to pay such fine and costs as shall be adjudged in the cause, together with all the costs of the proceeding; which

order shall be published once in some newspaper printed in the city, and shall also be posted in some conspicuous place on the market house, at least ten days before the day set for the trial of the cause: and if the defendant shall not appear and defend the action, or release his or her slave, by payment of ten dollars, and all costs which may have accrued, to the city constable, such mayor, alderman, or justice, shall, on the day set for trial, proceed against such defendant *ex parte*, and give judgment as shall seem to him right and proper; and if judgment be rendered against the owner of such slave, such slave may be sold on execution by the city constable, for the payment of the fine and all costs, as in other cases where personal property is sold on execution.

§ 7. That in all cases where an apprentice or minor offends against any of the ordinances aforesaid, such apprentice or minor shall be tried as other persons of full age may be, and if such apprentice or minor shall be convicted of the offence charged, and shall be fined, the property of such minor or apprentice may be sold to satisfy fine and costs, on execution, if the parent, guardian, or master, of such minor or apprentice will not pay such fine and costs.

§ 8. That no person or persons shall be permitted to sell, or expose, or cause to be sold or exposed for sale, at any time, in any market house now built, or which may hereafter be erected within the city, or in any of the open streets adjacent thereto, except it be at the house or residence of such person or persons, any manufactured goods, wares or merchandise, of any kind or description whatever, under the penalty of ten dollars for each and every offence, to be recovered by action of debt, before the mayor or any alderman, or justice of the peace within the city; and it shall be the duty of the city constable to cause all such goods, wares and merchandise, which may be exposed at any of the places aforesaid, to be removed therefrom without delay. *Provided, however,* That the provisions of this ordinance shall not be extended to persons who may bring articles *bona fide* of the domestic manufacture of themselves, or neighbors, for sale, nor to the stores or shops under the market or town house.

CHAPTER IV.

Further Regulations and Prohibitions.

- SEC. 1. Penalty on persons selling unsound meat in the market.
2. Penalty on persons buying unsound meat, &c. with intention to sell the same again.
3. Persons suspected of violating the foregoing sections may be apprehended—proceedings against them.

- Exc. 4.** Penalty on persons who sell in the market, provisions that have been brought by persons from the country.
- 5.** Penalty on persons who injure or deface market house, or any of its appurtenances.
- 6.** Register to establish rules for the regulation of the market house.
- 7.** Persons leasing market property at auction, and failing to comply with the bid, to pay the difference on a second leasing.

§ 1. *Be it further ordained,* That no person shall sell, or expose for sale, in the market aforesaid, any blown, stuffed or unsound meat or articles of provisions, or measly pork; and that no butcher shall offer for sale, any mutton, without the head and feet being on it, under the penalty of five dollars for each and every such offence, for the use of the city.

§ 2. That if any person or persons shall buy, or cause to be bought, any kind of vegetables, dead meat, poultry, butter, cheese, tallow, eggs or fish, in the market, or within one mile thereof, with an intention to sell the same in said market, such person or persons shall forfeit, and pay the sum of five dollars for each and every offence, for the use of the city.

§ 3. That when, and as often as any person or persons may expose any of the above enumerated articles for sale, otherwise than in his shop or store, and there is good cause to suspect they have been purchased contrary to the true intent and meaning of this ordinance, it shall and may be lawful for any person to apply to the mayor, or any alderman of the city aforesaid, for a warrant to apprehend such person or person so suspected; and the said mayor or alderman shall inquire into the offence, and if the person suspected be convicted thereof, on oath or affirmation of one or more creditable witnesses, or if the persons or persons so charged, cannot make it appear to the satisfaction of the mayor or alderman that he, she or they, raised or made the article or articles by him or them so offered for sale, or that he, she or they, are disposing of them, on account of the person or persons who made the same, or that he, she or they bought the said articles at least one mile from the city, he, she or they, shall be deemed, construed and taken to be, offenders against this ordinance, and shall forfeit and pay the sum of ten dollars, for every such offence, for the use of the city.

§ 4. That no butcher or other person whomsoever, shall sell or expose for sale, within the limits of the market, on any day, or at any time whatsoever, any victuals or provisions of any kind, which have been before purchased, from any inhabitant of the country, bringing, or who had brought, the same to the said city, or within one mile

thereof, for sale, under the penalty of ten dollars, for the use of the city.

§ 5. That if any person shall wilfully or negligently, injure, deface, damage or destroy, any of said buildings, stores, shops, rooms, vaults, cellars, sheds, stalls, shambles, benches, blocks, or fixtures, or any part of any of them, such offender shall forfeit and pay to, and for the use of said city, any sum not exceeding ninety, nor less than five dollars, to be recovered before the mayor, any alderman or justice of the peace, within said city, by information or action of debt, to be assessed by a jury in the cause; and also, such offender shall forfeit and pay to said city, the value of the thing destroyed, or the value and amount of the damages done, (to be assessed in like manner, by the jury in the cause,) together with costs of suit.

§ 6. That it shall be the duty of the city register, under the direction of the city attorney, to form a set of rules for the government of the market; which rules shall exhibit all the prohibitions and penalties contained in this ordinance; also, all regulations touching said market, in a short and condensed form; which rules shall be printed on good paper, (a single sheet,) in plain type, and shall be smoothly pasted upon boards or canvass of sufficient size, set in frames, at least two of which shall, during market hours, be constantly hung up in some conspicuous part of the market house, one in each end, and in the centre and elsewhere, if need be—to be kept and exhibited as aforesaid, by the said city constable.

§ 7. That if any person shall become the purchaser or lessee of any store room, cellar, stall, shamble, shed, or any property pertaining, or which may hereafter belong to the city of St. Louis, and which may be sold or leased at public auction, by bidding or causing bids to be made therefor, and shall fail or refuse to comply with the conditions of any such leasing or buying, within one hour after such leasing or buying, it shall be the duty of the officer superintending such sale or lease, immediately after such failure, again to set up the property so sold or leased, at public auction, and sell or lease the same to the highest bidder, according to existing regulations; and if said property thus sold or leased, shall not, upon such second sale or lease, bring the same amount that was bid therefor in the first instance, then, and in that event, the bidder failing as aforesaid, shall be held bound and responsible for the difference between the first and subsequent bids, to be recovered by action of debt, before any tribunal having jurisdiction

thereof; and the person so failing as aforesaid, shall be prohibited and debarred from bidding again on that day, for the same property.

This ordinance shall take effect from and after the passage thereof.

Passed by the board of aldermen, March 23, 1835.

JAMES P. SPENCER, *President, pro tem.*

APPROVED, March 30, 1835.

JOHN W. JOHNSON, *Mayor.*

CITY CONSTABLE.

An ordinance, supplementary to an ordinance, entitled "An Ordinance prescribing the duties of the city constable, and fixing his salary."

SEC. 1. Repealing clause.

2. Fees of officers prosecuting for breaches of ordinances.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That the *ninth* section of an ordinance, entitled "An Ordinance prescribing the duties of the city constable, and fixing his salary," approved the fourteenth day of May, eighteen hundred and thirty-five, be, and the same is hereby repealed.

§ 2. That all officers prosecuting for breaches of ordinances, shall respectively receive the same fees as magistrates and constables for similar services, under the state laws.

Passed by the board of aldermen, July 14, 1835.

JAMES P. SPENCER, *President.*

APPROVED July 17, 1835.

JOHN F. DARBY, *Mayor.*

DRAYMEN AND DRAY-FARE.

An ordinance relative to draymen and dray-fare.

SEC. 1. Penalty on draymen refusing to haul when unemployed.

2. Fare for hauling allowed to draymen.

3. Penalty for exacting higher fare than allowed by this ordinance.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That no driver of a regularly licensed dray, shall, whilst unemployed, refuse to haul a load, or loads, for any person or persons, who

shall tender him the regular fare, under the penalty of five dollars, to be paid on conviction before any court of competent jurisdiction.

§ 2. That the fare of drays for hauling, shall not exceed twenty-five cents per load, to any part of the city.

§ 3. That the penalty for exacting a higher fare than the above allowed, shall be five dollars, to be recovered and paid in the same manner as provided in the first section.

Passed by the board of aldermen, July 20, 1835.

JAMES P. SPENCER, *President.*

APPROVED, July 22, 1835.

JOHN F. DARBY, *Mayor.*

BILLIARD PLAYING.

An ordinance to prevent billiard playing within the city of St. Louis, on the Sabbath day.

SEC. 1. Penalty on persons who play billiards on Sunday.

2. Penalty on persons who keep billiard tables, and who suffer the same to be played on Sundays.

Be it ordained, by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That if any person or persons, shall hereafter play at the game of billiards, at any billiard table in the city of St. Louis, on the first day of the week, commonly called Sunday, every person so offending shall, on conviction thereof, forfeit and pay to the city of St. Louis, for the use of the same, any sum not less than ten dollars, nor more than fifty dollars, with cost of suit.

§ 2. If any person, who keeps a regularly licensed billiard table, in his or her house, shall suffer any person or persons, to play at the same, on the first day of the week, commonly called Sunday, such person shall, on conviction thereof, forfeit his or her license to keep a billiard table, and shall not be permitted again to take out a license to keep a billiard table, within one year after such conviction; and shall moreover, pay the costs of the suit, upon which such conviction may be had.

Passed by the board of aldermen, July 20, 1835.

JAMES P. SPENCER, *President.*

APPROVED, July 22, 1835.

JOHN F. DARBY, *Mayor.*

D A I R I E S .

An ordinance regulating the keeping of dairies within the city.

- Sec. 1. No person to keep cows running at large, unless for family use.
 2. No person to keep dairy, unless cows are kept up.
 3. Penalty on persons who violate the provisions of this ordinance.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. No person shall keep running at large within the city, any cows, unless such cows are kept for his or her own family use.

§ 2. No person or persons shall keep a dairy within this city, unless he, she or they, keep the cows thereof in some house, shed or well enclosed pard.

§ 3. Any person or persons offending against this ordinance, shall pay a fine of not more than five dollars at the discretion of the tribunal who shall try the offence.

Passed by the board of aldermen, December 2, 1835.

JAMES P. SPENCER, *President.*

APPROVED, 7th December, 1835.

JOHN F. DARBY, *Mayor.*

D R A Y S .

An ordinance concerning drays.

1. Repealing section.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That the eighth section of an ordinance, entitled "An ordinance supplementary to an ordinance entitled "An ordinance regulating wagons, carts, drays, and carriages." approved, June thirteenth, eighteen hundred and thirty-five, be, and the same is hereby, repealed.

Passed by the board of aldermen, December 2, 1835.

JAMES P. SPENCER, *President.*

APPROVED December 7th, 1835.

JOHN F. DARBY, *Mayor.*

FINES AND FORFEITURES.

An ordinance regulating judicial proceedings within the city of St. Louis, for the recovery of fines and forfeitures.

- Sec. 1. Actions of debt for the recovery of fines, &c. for the breach of ordinances—charge or statement to be filed—form—proviso.
2. Charge or statement, when filed, may include one or more persons and offences—form of summons.
3. Manner of serving summons.
4. Non-residents, how summoned.
5. Summons, to whom made returnable
6. Warrant may be issued on affidavit of register, or other person—form.
7. Defendant to be immediately tried, if witnesses can be procured, or a day set for trial—defendant to give bond Form.
8. Officer issuing process, to keep a docket—may subpoena witnesses and issue attachments and venires for juries.
9. Witness refusing to give evidence, may be imprisoned.
10. Constable may be fined for neglect of duty.
11. Judgment by default
12. Non-suit. By default or non-suit, how set aside.
13. Trial may be adjourned or continued.
14. Depositions may be taken.
15. Trial—by jury
16. Qualifications of jurors—verdict.
17. Printed ordinances, &c. to be received in evidence—not printed, to be certified.
18. Appeal—bond.
19. Notice of appeal, how served.
20. Execution—form.
21. Judgment a lien upon estate, real or personal.
22. Goods and chattels. how sold.
23. Lands and tenements. how sold.
24. Property taken in execution, to be sold at auction.
25. Constable not allowed to purchase.
26. What part to be sold—deed.
27. Acknowledgment.
28. Fines or forfeitures for breaches of ordinances—form.
29. Several breaches of the same ordinance may be joined.
30. Right of property.
31. Informant a good witness—negroes and mulattoes witnesses.
32. In absence of material witnesses, depositions may be taken—limitation.
33. Suit to be brought within one year.

§ 1. *Be it ordained by the mayor and board of aldermen of the city of St. Louis, That in all actions of debt, to be commenced within the city of St. Louis, by or before the mayor or any alderman of the city, or by or before any justice of the peace within said city, against any person or persons, for the recovery of any fine or fines, forfeiture or forfeitures, for the breach of any ordinance of said city, the person or per-*

sons who shall institute or commence such action, or who shall cause the same to be instituted or commenced, or the officer before whom such action is about to be commenced, shall file or cause to be filed with such officer before whom such action is about to be commenced, a written charge or statement against the defendant or defendants in the action, which charge or statement shall be, as nearly as circumstances will admit, in the following form, to wit:

“A. B. To the mayor, aldermen and citizens of the city of St. Louis,
DR.

To ----- dollars, for breach of an ordinance of the city of St. Louis, entitled, “An ordinance, &c. (here insert the title of the ordinance) approved the — day of —, in the year 18—, in this, to wit: (here describe the offence in a short way, as thus—riding a horse, &c. in the streets, &c. of said city, in an immoderate manner—or keeping a billiard table in said city without a license—or retailing wines and spirituous liquors within said city without a license, or retailing wines and spirituous liquors in smaller quantities than one quart, without a license to keep a tippling house—or discharging a gun within said city) between the — day of —, 18—, and the — day of —, 18—.”

Which said form may and shall be so varied, as to apply to the nature of the offence or breach, time, place, number of persons joined in the action, &c. as occasion and the very right and justice of the case may require, without regard to particular form or words: *Provided*, That no objection to form or words shall be allowed, if such charge or written statement shall substantially set out the nature of the offence charged, so as to give notice to the defendant of the nature of the charge which he is called on to answer.

§ 2. *And be it further ordained*, That such written charge or statement, when filed with or by the officer, by or before whom such action is about to be commenced, may include one or more persons, and several offences of a like nature, and shall constitute the basis or ground work of the action; and the officer by or with whom said written charge or statement is filed, shall forthwith commence an action of debt on said statement, against the person or persons therein named and charged, in the name of the “mayor, aldermen, and citizens of the city of St. Louis,” by issuing a summons, (or *capias*, as the case may be) directed “to the constable of the city of St. Louis,” which summons shall be in the following form, as nearly as circumstances will admit, to wit:

“The State of Missouri, to the constable of the city of St. Louis,
GREETING:

You are hereby commanded to summon A. B. to appear before the undersigned, (mayor of the city of St. Louis, or one of the aldermen of the city of St. Louis, or one of the justices of the peace within the city of St. Louis,) on the — day of —, 18—, at (my office or dwelling house) in said city, between the hours of nine o'clock in the forenoon and three o'clock in the afternoon of said day, to answer to the mayor, aldermen and citizens of the city of St. Louis, in an action of debt in the sum of——dollars, for (if there are several breaches charged, say for several breaches,) a breach of an ordinance of said city, entitled (here insert the title,) and have you then there this writ.

Given under my hand, at the city of St. Louis, this—day of—18 .

D. C. Mayor of the city of St. Louis, or

E. F. Alderman of the city of St. Louis, or

G. H. Justice of the Peace in the city of St. Louis.

Which said summons may be made returnable on any day (Sunday excepted) within thirty days from the day on which it shall have been issued: *Provided*, No trial shall be had upon it in less than five days after it shall have been issued and served.

§ 3. *And be it further ordained*, That the service of any summons issued as aforesaid, shall be made by reading the original summons in the hearing of the defendant or defendants, if he or they will remain to hear it read; but, if he or they refuse to hear such summons read, or absent him or themselves, after said summons has been produced to be read, and the contents or object thereof mentioned to him or them, such offer on the part of the constable, in such case, shall be deemed and taken to be a sufficient service of such summons, which facts shall be specially stated by the constable. in his return on said summons.

§ 4. *And be it further ordained*, That when any defendant shall abscond or conceal himself, or shall be absent or non-resident in the city of St. Louis, any summons against such person may be served by leaving a copy thereof at his residence or usual place of abode, with any free white person of the family in which he resides, over the age of fifteen years, at least five days before the day of trial, or the return day of such writ; but if such person have no house, family, or known place of abode in said city, whereat service of a copy can be made as aforesaid, it shall be lawful for the constable, or other person charged with the service of any summons, to leave a copy of such summons

at any shop, or on board of, or at any boat, barge or other craft belonging to the defendant, or in which he is intrusted, as owner, master, mate, patroon, pilot, engineer, carpenter, supercargo, clerk, steward, cook, fireman, sailor, laborer, hand or passenger, or on which such person shall take up his quarters or abode, with any free white person over the age of fifteen years, if any such person is to be found on such boat, and will receive such copy; but if no such person can be found on such boat, or, being found, shall refuse to receive such copy, it shall be lawful for the constable, or person charged with the service of any summons as aforesaid, to stick up a copy of such summons, on some conspicuous part of said boat or craft, which shall be deemed and taken to be a sufficient service of any summons, within the meaning of this ordinance.

§ 5. *And be it further ordained,* That the mayor and several aldermen and justices of the peace, within the city of St. Louis, shall make all summons returnable before them, at least once a month, or oftener if they deem it necessary, which return day shall be named in each summons by them issued, for the hearing and determining the matters in controversy between the parties. And the said mayor, aldermen, or justices, shall not hear or determine any matter in controversy, when suit shall be instituted by summons, as aforesaid, on any other day except it be by consent of parties, or unless the cause shall be adjourned for want of time, or for good cause shewn by either party, in which case any other day may be set for the hearing, not exceeding thirty.

§ 6. *And be it further ordained,* That if the register of the city, or any other credible person, shall make and subscribe an affidavit, on oath, stating that any person hath committed a breach of any ordinance of said city, (which breach or breaches shall be mentioned in such affidavit) and hath thereby subjected himself to an action of debt, as he (the affiant) is informed and believes can be proved; and that such person is not a resident of the city, or hath no known place of abode in the city, or is an itinerant or wayfaring man, or follows no reputable calling, or is a vagrant, or hath no visible means of honest support, or is about to move himself or effects out of the city, or is unsettled in his residence in the city, or that he is a casual visitor to the city, in such case, such affidavit and the written charge or statement before named, being filed with the mayor, any alderman or justice of the peace within said city, it shall be the duty of such mayor, alderman or justice, forthwith to issue his warrant to apprehend such offender; which shall

be, as near as circumstances will admit, in the following form, to wit:

“The State of Missouri, to the constable of the city of St. Louis,

GREETING:

You are hereby commanded to take A. B., and bring him, together with this warrant, forthwith before the undersigned, (mayor of the city of St. Louis, or alderman of the city of St. Louis, or a justice of the peace within the city of St. Louis, as the case may be) or some alderman or justice of the peace within said city, to answer to the mayor, aldermen, and citizens of the city of St. Louis, in an action of debt.

Given under my hand, at the city of St. Louis, this—day of—18

E. F., mayor of the city of St. Louis, or

G. H. alderman of the city of St. Louis, or

I. J., justice of the peace in the city of St. Louis.

§ 7. *And be it further ordained*, That on the return of any warrant issued as aforesaid, with the defendant in custody, it shall be the duty of such mayor, alderman, or justice, who may have issued such warrant, or the officer to whom such warrant shall be returned, to proceed immediately to the trial of the defendant, on the charge or written statement filed against him, if witnesses can be procured, and the justice of the case will admit of it; or he shall set a day and hour for the trial of the cause, not to exceed ten days after the return of the warrant, in which case the said mayor, alderman or justice, shall take a sufficient bond or recognizance, with security to be by him approved, from the defendant, conditioned that he appear before the mayor, alderman or justice, on the day of trial, and answer to said action, and abide by and perform the judgment or sentence which may be rendered against him: which bond shall be given in the usual form of appeal bonds, before justices of the peace, to “the mayor, aldermen, and citizens of the city of St. Louis,” except in the condition thereof; but if said defendant shall refuse or be unable to give such bond or recognizance, said mayor, alderman or justice, shall commit said defendant to jail, to await the day of trial, by making out a warrant of commitment, which shall be, as nearly as circumstances will admit, in the following form, to wit:

“The state of Missouri, to the sheriff or keeper of the jail of the county of St. Louis, **GREETING:**

Whereas A. B. has been brought before me, the undersigned, mayor of the city of St. Louis, (or alderman of the city of St. Louis, or a justice of the peace in the city of St. Louis, as the case may be,) on a

warrant, a copy whereof is herewith returned to you, at the suit of the mayor, aldermen and citizens of the city of St. Louis, in an action of debt, for the breach of certain ordinances of the said city, and the trial of said suit having been by me postponed till the——day of——18——, and the said A. B. having refused to enter into sufficient bond for his appearance on said day, to answer to said action, (or if defendant merely is unable to give bail, say said A. B. having failed to enter, &c.) these are therefore to command and authorize you to receive the body of the said A. B. into your jail, and him safely and securely keep, until the said——day of——18——, and that you then deliver the said A. B. into the custody of the constable of said city, by him to be brought before me for trial.

Given under my hand, at the city of St. Louis, this——day of——18——.

C. D. Mayor, &c.

§ 8. *And be it further ordained,* That it shall be the duty of the mayor, any alderman or justice of the peace within the city, who may or shall issue any summons or warrant, as aforesaid, to keep a docket, in which he shall make fair and accurate entries of all suits and actions instituted before him, with his proceedings thereon: and he shall issue subpoenas for witnesses on the request of either party, and he shall have power to issue writs of attachment for witnesses, to compel their attendance, and may impose fines on them for non-attendance, after being duly summoned in any cause, by way of punishment for contempt, not exceeding fifty dollars, and the costs of attachment; and he shall, moreover, have power to issue venires for juries in any cause wherein the intervention of a jury is required by either party, or by any ordinance of the city; and he may compel the attendance of any person summoned as a jurymen, by attachment, and may impose fines for non-attendance, or for any contempt or disobedience of the orders of court, not exceeding ten dollars, and may issue execution therefor, if the same shall not be paid within ten days after it is imposed.

§ 9. *And be it further ordained,* That any person summoned and attending as a witness, or who shall be sworn in any cause to testify, who shall refuse to give evidence on oath or affirmation, as the case may be, shall be committed to prison by the Mayor, Alderman, or Justice, before whom he is required to give his deposition or testimony, there to remain without bail or mainprize, until he shall give such evidence; and the warrant of commitment under which said witness may be committed to prison, shall be in the name of the State of Missouri, directed

to the Sheriff of the county, or to the keeper of the jail of the county of St. Louis, reciting the cause of commitment, and shall be signed by the officer making the same, and said writ shall be executed by the city Constable. *Provided*, That the prisoner shall be taken from prison, by said constable by whom he has been committed, when he shall consent to give his testimony as required.

§ 10. *And be it further ordained*, That if any constable, charged with the execution and return of process, shall fail or neglect to serve any writ or precept, to him directed, and make due return of the same, unless for good cause shewn, or shall make a false return, every such constable, so offending, shall forfeit and pay the sum of ten dollars to the party injured, and all damages the party may sustain in consequence thereof, to be recovered before the Mayor, any Alderman or justice of the Peace in the city, in a summary manner, by motion, or by action of debt founded on this ordinance.

§ 11. *And be it further ordained*, That if the defendant fails to appear or if he shall appear, but shall neglect or fail to plead or make any defence to the action, on the return or trial day of the summons or warrant, and it shall appear by the return thereof, signed by the Constable, that the summons has been legally served on the defendant, in the manner hereinbefore directed, it shall and may be lawful for the Mayor, or other officer sitting in the cause, to give judgment by default for the amount mentioned in the charge or statement on file, together with costs of suit.

§ 12. *And be it further ordained*, That if the plaintiffs shall fail to appear by their officer, attorney, or agent, on the return or trial day of the summons or warrant, or shall fail to prosecute the action, the Mayor, Alderman or Justice, may appoint some person to appear and prosecute on behalf of the plaintiffs, or may give judgment of nonsuit against the plaintiffs with costs of suit: *Provided*, That judgment of nonsuit or judgment by default, may be set aside, on motion made within three days, for sufficient cause shewn by the oath of the party, or of his or their agent, officer, or attorney, on payment of costs; but if neither the plaintiffs nor defendant appear on the return day of the summons, the cause may be continued by said Mayor, Alderman, or Justice, at his discretion, till the next court day to be by him holden, and when any judgment by default shall be set aside as aforesaid, the execution, if any has issued, shall be recalled: and upon the setting aside any judgment by default or nonsuit, a day shall be set for the trial of said cause, and the op-

posite party, or his agent, officer, or attorney, shall be notified thereof in writing, by the party in whose favor such judgment has been set aside, at least three days before the day of trial, which notice shall be served by the Constable, if he be required, whose return shall be evidence of the facts therein stated; and for which service said Constable shall be allowed to charge the same fees as for the service of a summons; and thereupon the same proceedings shall be had at the trial as though no judgment by default or nonsuit had been rendered in the cause.

§ 13. *And be it further ordained,* That the Mayor, any Alderman or Justice of the Peace, within the city, shall have power to adjourn or continue the trial of any action brought before him, to such further time as he may think proper, not exceeding thirty days, if the justice of the case shall, in his opinion, require a continuance or adjournment; and upon affidavit of either party, or of his or their agent, officer, or attorney, that the testimony of a material witness, who resides *out* of the city, cannot be obtained, or that a material witness cannot attend the trial from infirmity of body or other sufficient cause, stating in what the materiality of such testimony or witness consists, and that such testimony or witness could not be procured by the party making the affidavit, in time for the trial, and that such testimony or the attendance of such witness can probably be procured within thirty days, the cause shall be postponed to a day certain, within such reasonable time, as the distance of the witness or the season of the year may make it necessary, to obtain the attendance or deposition of such witness; and whenever a cause is postponed, and the original process is a warrant, the defendant shall enter into a bond, in a sufficient sum to cover the demand and costs, with sufficient security, as is provided by the *seventh section* of this ordinance, to secure his appearance to the action on the day of trial; and if such defendant shall fail or neglect to enter into such appearance bond, he shall be committed for trial, as is provided by the said seventh section.

§ 14. *And be it further ordained,* That the Mayor, Alderman, or Justice before whom any action may be pending, on application of either party, or his or their agent, officer, or attorney, shall grant a rule to take the deposition of such witness or witnesses, as shall be by him or them named, which rule being certified by the officer granting the same, shall be sufficient authority to any justice of the peace within the United States or their territories, to take and to certify the deposition of such witness or witnesses as may be named in said rule; and the depo-

sition so taken and certified in pursuance of such rule, shall be lawful evidence on the trial of the cause; *Provided*, That the same shall be otherwise competent testimony in law, and shall have been regularly taken in pursuance of lawful notice to the opposite party in the cause: and, *Provided, also*, that no rule shall be necessary to take the deposition of any witness found in the state of Missouri, but notice shall be given as in cases depending before the circuit court.

§ 15. *And be it further ordained*, That if the parties appear before the mayor, alderman, or justice, either in person, or by agent or attorney, such mayor, alderman, or justice, shall proceed to hear the proofs and allegations produced and made by the parties, and give judgment according to right and justice, for such sum as he shall find proper, or the law require, if for the plaintiffs, or acquit the defendant if he thinks he is not guilty of the charges alleged against him; unless the law shall require the intervention of a jury, or either party shall demand a trial by jury, in which case it shall be the duty of the said mayor, alderman, or justice, to empanel a jury of twelve lawful and impartial jurors, if the party demanding the jury shall first deposit with said mayor, alderman, or justice, twenty five cents for each juror, to be paid to the jury on the return of a verdict, as a fee: *Provided, however*, that a jury of six may be empanelled, instead of twelve, by consent of parties, whose verdict shall be as binding as if rendered by a jury of twelve persons.

§ 16. *And be it further ordained*, That the qualifications of jurors, in all actions arising under any ordinance of the city, shall be the same as in suits in the circuit courts of this state; and three jurors may be peremptorily challenged by either party without cause, and any number may be challenged or excused from serving, for favor, being of kin to the defendant, for corruption, legal disqualification, or having previously formed or delivered an opinion on the merits of the particular cause which they are summoned to try; *Provided*, That if a full jury shall not appear after being summoned, or a part of the number summoned, shall be challenged, set aside or excused from serving, then it shall be the duty of the constable immediately to summon others, to serve as jurors in their places, till a competent jury is made up, and upon the pannel being completed as aforesaid, an oath or affirmation shall be administered to the jurors, "well and truly to try the matter in dispute between the parties, and a true verdict give according to evidence," and it shall be the duty of the jury, if they find for the defen-

dant, to return in their verdict that they "find the defendant is not guilty," and upon such verdict being signed by the foreman of the jury, and agreed to in open court by his fellows, the mayor, alderman, or justice, sitting in the cause, shall enter upon his docket a judgment of acquittal in favor of the defendant, and shall adjudge costs against the plaintiffs, and the defendant shall be discharged; but if the jury find a verdict for the plaintiffs, they shall return in their verdict that they "find the defendant is guilty;" which verdict, when signed by the foreman and agreed to by his fellows in open court, shall be recorded on the docket, and the mayor, alderman, or justice, sitting in the cause shall thereupon enter up judgment against the defendant, for such sum or debt as he shall, in his discretion, think just and proper, not exceeding nor less than the fine or forfeiture authorised by ordinance, and also for costs of suit, and issue execution therefor.

§ 17. *And be it further ordained,* That printed copies and certified copies of the ordinances of the city of St. Louis, maps, plats and surveys of the city, or any part thereof, of orders, resolutions, minutes, journals and proceedings of the board of aldermen, of proclamations of the mayor or president of the board, of assessments, per centages, rates and tax lists, all books kept by the register, mayor, city surveyor, auditor, treasurer, street commissioners, commissioners of the board of health, and duly certified abstracts and copies thereof, and of reports, settlements and statements made in pursuance of any law, ordinance, rule or resolution, or order of the board of aldermen, shall be admitted and received in evidence in all trials, actions, suits and informations before the mayor, any alderman or justice of the peace in said city, under any ordinance thereof, as proved and authentic, provided that all copies, not printed, of any ordinance, map, plat, survey, order, resolution, minutes, journals, proceeding, proclamation, assessment, per centage, rate, tax list, abstracts, copies of books, reports, settlements and statements, shall be duly certified by the officer, or person who shall rightfully possess or keep the same, under his hand officially made: and it shall be the duty of all city officers to grant certified copies of their official books and papers, to any defendant or other person, on application, on the payment of such fees as are allowed by law to the clerks of the circuit courts: *Provided,* that they shall charge no fees when any such copy is applied for on behalf of the city.

§ 18. *And be it further ordained,* That in all cases, suits and actions arising under any ordinance of the city of St. Louis, any person or

party who may think him or themselves aggrieved, and in suits wherein "the mayor, aldermen and citizens of the city of St. Louis," are plaintiffs, if the register of said city thinks the plaintiffs aggrieved by the judgment of the mayor, alderman, or justice of the peace sitting in the cause, such party may, by him or themselves, or by his or their agent, officer or attorney, have liberty to appeal from said judgment, within ten days next after the rendition of such judgment, to the next circuit court, to be holden in the county of St. Louis; and the party appealing, or some person in his or their stead, shall enter into a recognizance with one or more sufficient securities, in a sum sufficient to secure the debt or damages and all costs, which may have been adjudged against the appellant, and all costs which may accrue in such appeal; which recognizance shall be, as near as may be, in the following form, to wit:—"We the undersigned, A. B. and C. D. acknowledge ourselves to be indebted to E. F. in the sum of dollars, to be levied of our respective goods and chattels, lands and tenements, upon condition nevertheless, that whereas the said A. B. hath appealed from the judgment of G. H., mayor of the city of St. Louis (or, alderman of the city, &c. or, a justice of the peace within the city of St. Louis, as the case may be) in a certain action, wherein the said A. B. is —, and E. F. is —: Now, if the said A. B., the appellant, shall prosecute his said appeal with effect, pay and satisfy the condemnation money and all costs, or otherwise abide the judgment of the circuit court in said appeal, then this recognizance to be void, otherwise to remain in full force and virtue:" which recognizance, if given by the defendant, or any person on his behalf, shall be subscribed by the persons entering into the same, and shall be tested by the officer by whom the judgment appealed from was given, but if said recognizance is given by or on the part of the plaintiffs, said recognizance shall be signed and executed by the register of the city, on behalf of the plaintiffs, and in their name, in the manner pointed out and prescribed by the first and second sections of an ordinance of said city, approved September 16, 1828, entitled "an ordinance, authorizing the register of the city of St. Louis to sign appeal bonds." And thereupon it shall be the duty of the mayor, alderman, or justice, from whose judgment said appeal shall be taken, to file, on or before the first day of the next term of the circuit court, with the clerk of said court, the original papers and process, together with said recognizance and other papers appertaining to the cause, and a copy of all the entries in the case, made on his docket.

§ 19. *And be it further ordained,* That in all cases of appeals not prayed for and granted on the day the judgment appealed from is given the party appealing, or his agent, officer, or attorney, shall notify, in writing, the opposite party or his agent, officer or attorney, at least ten days before the sitting of the next court authorized to try the same, that such appeal has been taken; and if neither the opposite party nor his agent, officer, or attorney, reside in the city of St. Louis, or cannot be found, such notice may be served by leaving a copy thereof with the officer who tried said cause: *Provided,* that all notices of appeal may be served by the city constable or his deputy, whose return on a copy thereof, shall be evidence of the facts therein stated, for which he shall be entitled to charge the same fees as for the service of a summons, to be taxed with the costs of suit.

§ 20. *And be it further ordained,* That if the amount of the judgment rendered by the mayor, any alderman or justice of the peace, within the city, in any action or proceeding under any ordinance of said city, and costs of suit, shall not be paid immediately after the rendition thereof to the officer by whom said judgment was given, or the city constable or register of the city, (unless an appeal has been granted as aforesaid, which shall operate as a supersedeas, after notice of appeal shall have been given as aforesaid) it shall be the duty of the officer, by whom such judgment has been rendered to issue execution against the defendant for the same, if said cause originated by summons, but if by warrant, and bail has been given to appear to the action as aforesaid, judgment shall also be given against the defendant's bail at the same time judgment is rendered against the principal: *Provided* that no execution shall, in the first instance, be issued on such judgment against the bail, but such judgment shall stand as a security for the satisfaction of the judgment against the principal, until execution shall first have issued against the principal *alone*, and shall have been returned *not satisfied*, in the whole, or in part, after the return whereof, as aforesaid, it shall be lawful to issue executions on said judgment against the bail, for the amount of said judgment and costs, and if any part thereof shall have been satisfied by the principal, or by sale of his property, such amount as shall appear to have been so satisfied, shall be credited by endorsement on the back of the execution against the bail; and *provided* also, that no execution shall issue, or if issued, shall be executed against or upon the bail, if the principal's body shall have been taken in execution, or if such bail shall point out suffi-

cient of the property of such principal to satisfy such judgment and costs; or if such bail will surrender the body of his principal in execution to the constable of said city, who shall thereupon discharge such bail, and his property which may have been taken in execution, and shall hold the body of the principal in custody on execution, if one be in his hands, against such principal, if not, until execution against such principal shall be issued or renewed; and said principal shall thereupon remain in custody, and stand committed until such judgment and costs be satisfied, or such principal shall be discharged by due course of law; which execution shall as near as circumstances will admit, be in the form following, to wit:—

“The State of Missouri, to the constable of the city of St. Louis,
GREETING:

“Whereas A. B. has obtained judgment before the undersigned, mayor of the city of St. Louis,” [or alderman of the city of St. Louis— or a justice of the peace within the city of St. Louis,] “against C. D., for the sum of ——— dollars, for their debt, and also ——— dollars for their costs, these are therefore to command you to levy the said debt and costs, of the goods and chattels, lands and tenements of the said C. D., and expose the same to sale, agreeably to law; and for want of sufficient distress, you are commanded to take the body of the said C. D. into your custody, and convey him to the common jail of the county, the sheriff or keeper whereof is hereby required and authorized to receive him, and him safely keep, until the said debt and costs be fully paid, or the said C. D. be otherwise discharged by due course of law; you are also commanded to make return of this execution to the undersigned, within thirty days from this date.

Given under my hand, at the city of St. Louis, this ——— day of ——— in the year of our Lord eighteen hundred and ———.”

E. F., mayor, &c.

§. 21. *And be it further ordained*, That every judgement rendered against any defendant as aforesaid, shall be a perpetual lien upon the real and personal property of said defendant which is or may thereafter be found or situated in the city of St. Louis; *Provided*, that no such judgment shall be a lien on any real estate or interest in lands, tenements, or hereditaments, until a transcript of such judgment shall have been filed with the city register, who shall immediately on the receipt thereof, enter an abstract thereof in a book of abstracts, by him to be procured, at the expense of the city, and constantly kept in his office; which book of

abstracts shall be, at all reasonable office hours, subject to the free inspection and examination of all persons whomsoever, wishing to inspect the same, without fee or reward; which transcripts, when filed, and said book of extracts, shall operate as a notice of such lien, to all subsequent purchasers of such real estate as shall be subject to such liens, and said lien shall continue thereon, until said judgment and costs shall be paid and fully satisfied: and if any defendant, after judgment against him as aforesaid, and transcript filed, shall sell, transfer, or convey any of his real or personal estate, on which said lien hath attached, to any other person, such property, real or personal, shall notwithstanding such sale; transfer or conveyance, continue subject to such lien, and shall be liable to sale on execution, to satisfy said judgment and costs, and the purchaser of the same, at such sale, under execution, shall acquire the legal and equitable title thereto, absolutely, subject to all prior incumbrances.

§. 22. *And be it further ordained,* That whenever a writ of execution is delivered to the city constable to be executed, he shall seize and expose to public sale, any goods and chattels of the defendant, for ready money, within thirty days after said execution, first having given due notice of said sale, at least ten days previous to the day of sale, by at least three advertisements, put up at the most public places in the city of St. Louis; and if said effects shall sell for more than sufficient to satisfy said execution and costs, said constable shall return the overplus to the defendant in the execution, or to the person who may have purchased said effects from the defendant, after judgment.

§. 23. *And be it further ordained,* That when lands and tenements shall be taken in execution by the city constable, it shall be his duty to expose the same to sale, if sufficient personal property cannot be found, at the door of the office of the city register in the city of St. Louis, between the hours of nine and three o'clock, in the day time, having previously given fifteen days notice of time and place of sale, and what lands and tenements are to be sold, and where they lie, as near as may be, by at least six hand bills, signed by him, and put up in the most public places in different parts of the city, one in each ward, at least, or by advertising the same for two consecutive weeks, in any newspaper printed in this city.

§. 24. *And be it further ordained,* That all property, real or personal, taken in execution by the city constable, shall be exposed to sale on the day and between the hours for which it shall have been advertised,

openly and publicly, by auction, for ready money, and the highest bidder shall be the purchaser; and in all other respects, said sales shall be conducted as sheriff's sales are directed by law to be conducted.

§ 25. *And be it further ordained,* That it shall not be lawful for any constable of said city, to whom any writ of execution shall be directed, or any of their deputies, or any person for them, or either of them, to purchase any goods or chattels, lands or tenements, or other effects at any sale, made by virtue of such execution: and all purchasers so made, by them or either of them, or for their, or any of their use, shall be void.

§ 26. *And be it further ordained,* That the city constable, in making sale of real estate, shall first sell such part thereof as shall be designated by the defendant, and the part sold, (if the whole is not necessary) shall adjoin one of the corners and outlines of the lot or tract, and shall be so selected as to exclude houses and other valuable improvements, if possible, and so as to do the least injury to the remainder, and the said constable who, by virtue of any execution shall sell any lands, tenements, hereditaments, and real estate, or any part thereof, shall make to the purchaser thereof, a deed sealed with his private seal, reciting therein the execution and advertisement, under and by virtue of which the said sale was made, also the purchaser, and consideration given by the purchaser; and conveying to such purchaser, his heirs and assigns forever, all the right, title, claim and interest, which such debtor had in and to such property, on the day of the rendition of the judgment, or at any time afterwards; and such deed shall be effectual for passing and vesting in the purchaser, as good and perfect an estate on the premises mentioned as the person against whom such writ of execution was issued, was seized of, or entitled to, at the time the judgment upon which such writ issued, was rendered, or at any time afterwards, to all intents and purposes, as if such person had sold the same, and executed such deed therefor himself, and subject to the same liens and encumbrances, (the widow's dower excepted,) that such estate was subject to at the day of the rendition of such judgment.

§ 27. *And be it further ordained,* That, when the city constable shall have executed any deed for lands, tenements or hereditaments, sold by virtue of any execution, he shall, as soon as may be thereafter, acknowledge the execution thereof, before the circuit or county court of the county of St. Louis, in term time, or before some judge or the clerk thereof, in vacation, or before some justice of the peace in said

city; but if said constable die, or leave the city, resign, be removed from office, or be otherwise disqualified from acting officially, before making such acknowledgment, such deed may be proved before such court, or other officer, as other deeds, and the clerk of such court, or person taking such acknowledgment or proof, shall endorse upon such deed, a certificate of such acknowledgment or proof, under the seal of said court, or the private seal of the officer taking such proof or acknowledgment, and every deed so executed, acknowledged or proved, shall be recorded as other deeds are, by law, required to be.

§ 28. *And be it further ordained,* That in all cases arising under, or by any ordinance of the city of St. Louis, in which a fine or forfeiture is, or shall be imposed, for the breach of any ordinance, and which fine or forfeiture is recoverable by or upon information, it shall be the duty of the person giving such information, or instituting such proceeding, to reduce such information to writing, and file the same with the mayor or some alderman, or justice of the peace within the said city, which information shall be, as nearly as may be, in the following form, to wit: "A. B. gives information against C. D. that the said C. D. did, on or about the — day of —, in the year 18—, wilfully injure and deface a certain stall in the market house of the city of St. Louis," (or deposit upon the market square in the city of St. Louis, without first having obtained the consent and approbation of the city authority,) certain lumber, (wood, logs, &c.) and permitted the same to remain upon said square for the space of — days thereafter, contrary to the ordinances of said city."

Which information being filed, the mayor or other officer with whom the same is filed, shall forthwith issue his summons, as in other cases, omitting the words, "*in an action of debt in the sum of \$—.*" and inserting, in lieu thereof, the words, "*in an information filed against him,*" which summons shall be executed and returned by the city constable as in other cases, and the cause shall be proceeded in, as if it had been commenced by summons.

§ 29. *And be it further ordained,* That when any person shall have committed several breaches of the same ordinance, or ordinances, enacted on the same, or similar subjects, at several times, which breaches are or may be of the same nature, and punishable by fine or forfeiture, it shall be lawful to join said several breaches together in one and the same action, or information, and the fines imposed by ordinance may be assessed jointly, and judgment entered therefor accordingly

for the whole amount of such fines, and it shall be lawful to find the defendant not guilty as to one or more breaches, and guilty as to the other breach or breaches. It shall also be lawful to join several defendants together, in the same action or information, for one or several offences against any ordinance or ordinances of the same nature, if said several offenders were present, and committed said several offences in the presence of each other; and some of said defendants may be found guilty and others acquitted, as if they had been tried separately, and if several defendants shall be convicted in the same action or information, the judgment against each shall be several, and execution may be issued against them severally; *Provided, however,* That when several judgments are rendered in the same action or information, the costs of suit shall be apportioned among the defendants, according to equity and justice, so that each defendant shall only pay his rateable share thereof; *And provided also,* That each defendant shall have the right of appeal in the same manner as if he had been sued separately, or all the defendants may join in such appeal.

§ 30. *And be it further ordained,* That whenever the city constable shall levy any execution on personal property, supposed to belong to the defendant in such execution, and any other person shall set up a claim to the property so seized, the said constable shall proceed in all things conformably to the provisions of the thirty-third section of an act of the General Assembly of the state of Missouri, entitled "An act establishing justices courts and regulating the collection of small debts," approved February 21, 1835: and the proceedings so instituted shall have the same force and validity as proceedings under said section are declared to have, in relation to said constable.

§ 31. *And be it further ordained,* That, on the trial of all informations for offences against the ordinances of the city, the informant shall be a competent witness in the case, to prove the commission of the offences charged on the defendant, whether such informant be entitled to receive any part of the fine or forfeiture which may be recovered, or not, and the interestedness of the informant in the conviction of the defendant, shall only go to his credibility, before the jury or the officer trying the cause; and said informer shall pay costs of prosecution, if the defendant be acquitted, if, in the opinion of the officer trying the cause, the information was, or is vexatious or malicious, or has been instituted without any just cause; to be adjudged against him by the mayor, or officer trying the cause, at his discretion, and execution

shall issue therefor, as in other cases; and all negroes and mulattoes, of sufficient age, shall be competent witnesses, in all cases, for the recovery of fines and forfeitures imposed, or which shall hereafter be imposed, for the breach of any ordinance of the city of St. Louis, wherein any negro or mulatto shall be charged with any offence against such ordinances.

§ 32. *And be it further ordained,* That when any suit, action, or information shall have been commenced, and process served, or shall be pending before the mayor, or any alderman, or justice of the peace, of said city of St. Louis, for any offence against any ordinance of the city, for the recovery of any fine or forfeiture, and it shall appear to the satisfaction of the officer before whom such action or information is pending, by the oath or affirmation of either party, their agent, officer, or attorney, that any material witness is about to leave the city, and will not return, or be present at the trial, it shall be lawful for such officer before whom the action or information is pending, to make a rule (on his docket,) "that the deposition or depositions of such witness or witnesses, be taken in the cause, before the mayor, any alderman, or justice of the peace, within said city," which depositions shall be taken and certified in the usual manner, and returned to the officer before whom such action or information is pending: *Provided,* That notice of the time and place, and a copy of said rule shall be served on the opposite party, as in other cases, at least twenty-four hours before such depositions shall be taken, and such depositions (if competent testimony in law) shall be evidence in the cause at the trial, (if the witness who made the same shall not be within said city, on the day of, and before the trial, or cannot attend by reason of sickness or other reasonable cause.)

§ 33. *And be it further ordained,* That no person or persons shall be sued or prosecuted, tried or punished, for any offences against the ordinances of the city of St. Louis, unless a suit, action, information, or proceeding for the same, shall be commenced within one year next after the offence shall have been done or committed, unless such offender shall have fled, or absconded, or absented himself from said city during the said period of one year next after the commission of such offence, or shall have concealed or absented himself, for the period aforesaid, in such manner that process could not be served on him, in which cases

the provisions of this section shall be no bar to the institution and prosecution of such suit, action, information or proceeding.

Passed by the board of aldermen, January 10th, 1829.

JOS. C. LAVEILLE, *Pres't.*

Presented to the Mayor for approval, January 12, 1829. Returned with objections, January 24, 1829.

I, JOSEPH A. WHERRY, Register of the city of St. Louis, and ex-officio clerk to the Board of Aldermen, do certify the foregoing ordinance was presented to the mayor of the city, on the twelfth day of January, in the year 1829, for his approval; that said ordinance was not returned, by said mayor, to the board, within three days after delivery of the same, to him, and that the same has become a law by virtue of the provisions of the fifteenth section of the first chapter of the city charter.

By order,

J. A. WHERRY, *Register,*

And ex-officio clerk to the board of aldermen.

St. Louis, Jan. 24, 1829.

FERRIES AND BILLIARD TABLES.

An ordinance regulating and licensing ferries and billiard tables.

CHAPTER I.—Of Ferries.

CHAPTER II.—Of Billiard Tables.

CHAPTER III.—Of the Hospital.

CHAPTER I.—Of *Ferries.*

- Sec. 1. Ferry landing established.
2. No person to keep ferry without license.
3. Licenses, how obtained.
4. Ferry boats may land at other places in low water.
5. Penalty for violation of preceding sections.
6. Ferry license revoked in certain cases.
7. Penalty for keeping ferry without license.
8. Harbor master to enforce provisions of this ordinance.
9. Rates of ferrriage established.
10. Mayor may grant licenses in vacation
11. Duties of ferrymen.
12. Penalty on persons keeping ferry without license.
13. Penalty for refusing to receive the rates of ferrriage fixed by this ordinance.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That the ferry-landing is hereby declared to be established at the eastern end or extremity of Market street, where it intersects

Front street, on the western bank of the river Mississippi; where all ferry boats, coming to or departing from said city, shall land and clear from, after the passage of this ordinance, and at no other point or place within said city, except as hereafter excepted.

§ 2. That no person or persons shall keep a ferry within the limits of this city, so as to demand and receive pay thereat, or use in any way whatever, the wharf or shore of the river within the limits of the city of St. Louis, for ferry purposes, without a special license first had and obtained for that purpose.

§ 3. That any person or persons, wishing to obtain a license to keep such ferry, shall petition the board of aldermen, and if the board be of opinion that such ferry is necessary, and that the person petitioning is a proper person to keep such ferry, they shall order the register to issue such license under the corporate seal of the city and deliver the same to the collector, and charge him with the amount taxed therein, and the collector shall deliver said license to the petitioner or petitioners, upon the payment of two hundred dollars for the use of the St. Louis hospital, which license shall authorize such person or persons to keep a ferry, within the bounds and limits prescribed by the board of aldermen, for the space of three months: *Provided always*, That such person shall, before such license be delivered to him, give bond with sufficient security, to be approved by the register, in the sum of five hundred dollars, which bond shall be taken "to the mayor, aldermen and citizens of the city of St. Louis," and conditioned for the faithful performance of his duties as ferry-man.

§ 4. That if said boat or boats, shall, at any time, from lowness of water in the river, be unable to land at the said landing, it shall be the duty of such ferry keeper, to land at some other point, nearest to such obstructed landing, when there is sufficient water; such landing place to be designated by the city harbor master; and further, it shall be the duty of ferry keepers, going from, or coming to, either of said landings, with any boat or craft, to cross said river *immediately*, so as to pursue the nearest practicable route or course, to its place of destination, from the opposite shore from whence it started, without touching at any other point or place within said city, for any purpose whatever; and no ferry boat shall be kept or detained longer than ten minutes, during any one trip or crossing, at either of said landings, unless such detention may be rendered necessary, by inability, to discharge and receive cargo and passengers on board, in a shorter time.

§ 5. That for each and every offence against the provisions of this ordinance, the ferry keeper or keepers so offending, shall forfeit and pay, to and for the use of said city, any sum not exceeding ten dollars, to be recovered by action of debt or information in the name of the "mayor, aldermen and citizens of the city of St. Louis," before the mayor or any alderman or justice of the peace within said city, to be assessed and ascertained by a jury in the cause, or by the officer who shall try the same. That it shall be lawful for any person or persons to establish and keep an additional ferry or ferries, (within the limits of the city of St. Louis across the Mississippi river, the landing of which shall be located and established at the termination of Oak street, where the same strikes the Mississippi river,) upon such person or persons paying therefor, the usual license for such privilege as is provided by this ordinance.

§ 6. That if any ferry keeper or keepers, within said city, shall, for three consecutive days, or for six several days within any period of six months, neglect or refuse to observe and perform the regulations of this ordinance, his, her or their licenses to keep a ferry within said city, shall be taken away, or be declared null and void by the mayor, upon the minutes of the board of aldermen; and after such license shall have been taken away, or declared void, as aforesaid, such keeper or keepers shall not be allowed to use, or land, within said city, with, or send, or take away, any ferry-boat, passengers, or cargo; but for each offence, and every attempt to do so, he, she, or they, so offending, shall forfeit and pay to said city, the sum of ninety dollars, to be recovered as aforesaid.

§ 7. That each and every person who shall keep, or attempt to keep a ferry within said city, without first having obtained a license from the city authorities therefor, or, having a license, shall fail to comply with the provisions of this ordinance, shall forfeit and pay to said city the sum of ten dollars for each offence, to be recovered as aforesaid.

§ 8. That it shall be the duty of the harbor master of said city, to observe and enforce the provisions of this ordinance, by providing some other suitable landing place when the usual landing place may be obstructed, and by giving said ferry-keepers notice thereof; and also by giving information of all breaches of this ordinance to the city register, whose duty it shall be to prosecute all offenders against this ordinance, or to cause them to be prosecuted.

§ 9. That the rates of ferrying at every ferry established under this

ordinance, shall not exceed as follows, to wit: For each horse and rider, twenty-five cents; foot passengers, twelve and a half cents; live hogs, sheep, or calves, six and a fourth cents; head of neat cattle, twenty-five cents; head of other cattle, twelve and a half cents; hundred feet of plank or lumber, twelve and a half cents; hundred pounds of merchandise, five cents; gig and one horse, with one or two riders, sixty-two and a half cents; sulkey and one horse, sixty-two and a half cents; one horse and wagon, sixty-two and a half cents; two horses and wagon, one dollar; four horses and wagon, one dollar and twenty-five cents, two or four horse wagon, loaded with coal, lime, brick, plank, corn or fire-wood, one dollar; two or four horse market wagon, loaded with the produce of the country, usually sold at the St. Louis market, one dollar; cart and one horse, thirty-seven and a half cents; cart and one yoke of oxen, seventy-five cents; market cart with one horse or one yoke of oxen, seventy five cents.

§ 10. That the mayor shall have power, in the vacation of the board to grant a license for a ferry, which shall continue to the end of the next session of the board.

§ 11. That every ferry-man shall keep good and sufficient boats with a sufficient number of hands, and give ready and due attendance on all occasions; and for neglecting or refusing such attendance, every such ferry-man shall be fined a sum not exceeding five dollars; and for neglecting in keeping such boat or boats in good repair as aforesaid, he shall forfeit and pay a sum of thirty dollars to the use of the city: *Provided*, no such ferry-man shall be obliged to transport any person or thing before payment therefor has been made or tendered according to the rates established for such ferry.

§ 12. That if any person or persons shall keep a ferry so as to demand and receive pay, not having first obtained a license in the manner before pointed out, he or they, for every such offence, shall forfeit and pay twenty dollars, for every day upon which he shall keep a ferry as aforesaid to the use of the city.

§ 13. If any person licensed to keep a ferry within the limits of the city of St. Louis, shall refuse to receive payment from any person crossing the river to or from the city, according to the rates of ferriage fixed by this ordinance, the person so licensed and offending shall forfeit and pay for the use of the city, the sum of ten dollars for each offence, and shall forfeit all rights under his license.

CHAPTER II—*Of Billiard Tables.*

Sec. 1. Persons wishing to keep a billiard table, to obtain license under penalty.

§ 1. *Be it further ordained,* That every person wishing to keep a billiard table within the limits of the corporation, shall first apply to the mayor for a license to keep the same; the license shall be a semi-annual or quarter-yearly license, at the option of the person applying therefor, previous to the obtaining of which the applicant shall have paid to the collector of the city, as license money, if for a quarter-yearly license, the sum of sixty-two dollars and fifty cents—if for a semi-annual license, the sum of one hundred and twenty-five dollars, together with one dollar as a fee, in either case, to the register, for making out the same. The said license thus granted, shall authorize the holder thereof to keep a billiard table within the limits of the city, for the term in such license specified; and every person keeping or permitting to be kept or used, a billiard table as aforesaid, without having previously paid the license money and obtained the said license, he, she, or they, so offending, and being thereof convicted, shall pay to the use of the St. Louis hospital, a sum of fifty dollars to be recovered by action of debt.

CHAPTER III—*Of the Hospital.*

Sec. 1. Nett proceeds of all moneys accruing under this ordinance to be applied to support of hospital.

2. Repealing section.

§ 1. *Be it further ordained,* That the nett proceeds of all moneys arising from the licensing, regulating, restraining or suppressing the keeping of ferries and billiard tables within this city, or from fines or forfeitures, otherwise accruing from any ordinance or ordinances, for the licensing, restraining or suppressing gaming with cards or dice, and games of hazard or amusement of any kind or description whatsoever, upon which money or any thing else may be bet or staked, or for restraining or suppressing bawdy houses, within the limits of said city, be, and the same is hereby appropriated for the support of the St. Louis hospital, now established in this city, by and under the direction of the sisters of charity, and for no other use, or purpose whatever, and the treasurer and auditor of the city, are directed and required to keep separate accounts of all moneys arising from the sources aforesaid, and the payments made therefrom for the support of said hospital.

§ 2. All ordinances contradictory to, inconsistent with, or coming within the provisions of, this ordinance, are hereby repealed.

This ordinance shall take effect from and after its passage.

Passed by the board of alderman, April 2, 1835.

HUGH O'NEIL, Jr., *Pres't.*

Approved, April 4, 1835.

JOHN W. JOHNSON, *Mayor.*

APPEALS AND LEGAL PROCEEDINGS.

An ordinance authorising the register of the city of St. Louis to sign appeal bonds.

- Sec. 1.** Register authorized to pray appeals and sign appeal bonds; sue out *writs of error, certiorari's*, &c., in suits to which the city is a party, in the name, and on behalf of the city—appeal bonds, recognizances, &c. how to be signed and attested.
2. All appeal bonds, recognizances, &c. signed by register, declared to be corporate bonds, &c., and binding on the city—all bonds, &c. to be attested by the common seal.
3. Register to make affidavits when in his power.
4. Register authorized to certify amount of costs necessary to be paid in the prosecution of suits, to the auditor, and the auditor to draw for the amount—register to apply the money.
5. Register authorized to certify the amount of executions and fee bills, properly authenticated, to the auditor, who shall issue warrants therefor—register to apply the money.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That in all suits and proceedings at law, or in equity, wherein "the mayor, aldermen and citizens of the city of St. Louis," shall, or may be, either plaintiffs or defendants, it shall be the duty of the register of said city, when he may think proper, to take appeals, writs of error, certiorari's and other remedial writs, in the nature of appeals or writs of error, from the judgment or decision of the mayor, aldermen, or justice of the peace, or the judgment or decision of any court of record, to the proper appellate court or courts; and said register is hereby authorised to execute and sign all bonds, recognizances and other instruments, in the name and on behalf of said mayor, aldermen and citizens of the city of St. Louis, in such appeals and other process and proceedings, as may be required by law, of appellants or plaintiffs in error, and shall sign the same in the manner following, to wit: "The mayor, aldermen and citizens of the city of St. Louis, by their agent, A. B., register," and said register shall also have power

to affix the common seal of said city to said bonds, recognizances and other instruments, before mentioned, for the purposes aforesaid.

§ 2. *And be it further ordained,* That all bonds and recognizances entered into, made and executed by said Register, as aforesaid, for the purposes aforesaid, shall be deemed and taken to be the bonds and recognizances of "the mayor, aldermen, and citizens of the city of St. Louis," and shall be obligatory and binding upon the same, to all intents and purposes: *Provided,* That all bonds and recognizances to be executed, as aforesaid, shall be attested by the impression of the common seal of said city, affixed thereto.

§ 3. *And be it further ordained,* That whenever, (in the course of proceedings in any cause in which the mayor, aldermen and citizens of the city of St. Louis are, or shall be parties or interested,) any affidavit shall be necessary, by law, to be made, it shall be the duty of said register to make the same for, and on their behalf, and in their name, if he can do so consistently with his knowledge or belief.

§ 4. *And be it further ordained,* That in all cases of appeals, writs of error or certiorari's, taken or sued out on behalf of "the mayor, aldermen and citizens of the city of St. Louis," in which payment of costs is made by the law, a condition, precedent to granting such appeal, writ of error or certiorari, or when the costs of any writ or fees are to be paid in advance to any clerk or other officer, the city register shall certify the necessary sum which may be needed for such purpose, to the auditor of the city; and the auditor shall forthwith draw a warrant for the amount certified, upon the treasurer of the city, who shall forthwith pay the same out of any money in the treasury not otherwise appropriated; and said register shall dispose of said sum of money, so drawn as aforesaid, for the purposes and uses for which it may have been drawn.

§ 5. *And be it further ordained,* That whenever any execution or fee bill, properly issued and authenticated against the said city, shall be presented for payment, it shall be the duty of the register to examine and certify the same to the auditor; and the auditor shall, in like manner, issue his warrant on the treasurer for the amount so certified; and the treasurer shall pay the amount of said warrant, out of any money in the treasury not otherwise appropriated.

Passed by the board of aldermen September 12, 1828.

JOS. C. LAVEILLE, *President.*

APPROVED, September 16, 1828. WM. CARR LANE, *Mayor.*

COMMON SEAL.

An ordinance fixing the device of the common seal of the city of St. Louis.

Sec. 1. What shall be the device of the common seal.

2. Size of the seal.

3. Seal—by whom and where kept.

4. Seal—to what it shall be affixed.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The device for the common seal of the city of St. Louis, shall be a steam boat, carrying the flag of the United States, and the seal of the said city shall be so engraved as to represent, by its impression, the device aforesaid, surrounded by a scroll inscribed with the words "The Common Seal of the City of St. Louis," in roman capitals.

§ 2. The said seal shall be circular, and no more than one and a half inches in diameter.

§ 3. The register shall keep the seal of the city in his office, and shall affix the same by ordinance, order, or resolution of the board of aldermen, or on the requisition of the Mayor.

§ 4th. The register is authorized to affix the seal of the city to all copies of records and documents in his office, whenever thereto required by any individual—and shall be entitled to receive from the applicant, for each certificate and seal, fifty cents.

Passed by the board of aldermen, February 12, 1836.

JAMES P. SPENCER, *Pres't.*

Approved 15th February, 1836. JOHN F. DARBY, *Mayor.*

MEETINGS OF THE BOARD.

An ordinance fixing the stated meetings of the board of aldermen.

Sec. 1. Stated meetings of the board—when.

Be it ordained by the mayor and board of aldermen, of the city of St. Louis, as follows:

§ 1. The stated meetings of the board of aldermen shall be held at ten o'clock, A. M. on the second Mondays of April, July, October, and January, of each and every year.

Passed by the board of aldermen, February 12, 1836.

JAMES P. SPENCER, *Pres't.*

Approved, Feb. 15, 1836.

JOHN F. DARBY, *Mayor.*

GUN POWDER.

An ordinance containing regulations as to gun powder.

- SEC. 1.** No person shall keep within the city more than thirty pounds of powder.
2. Powder how and where kept.
 3. Penalty for violation of the proceeding section.
 4. Boat owners not to keep more than one keg of powder aboard.
 5. Mayor or aldermen may order searches for powder.

Be it ordained by the mayor, and board of aldermen, of the city of St. Louis, as follows:

§ 1. That no store or shop keeper, or other person or persons shall keep at the same time, in any house, shop, store, cellar or warehouse, or in any boat, more than thirty pounds of gunpowder within the limits of the city.

§ 2. *And be it further ordained,* That the aforesaid quantity of powder allowed to be kept within the limits of the city, shall be kept in close kegs or canisters, and be kept in a good and safe place.

§ 3. *And be it further ordained,* That if any person or persons shall offend against, or violate this ordinance, he, she or they, so offending, shall, upon conviction thereof, pay a fine of twenty dollars.

§ 4. *And be it further ordained,* That no boat owner shall be allowed to keep more than one keg of powder on board his boat, within three days of his arrival, and shall be liable to the same fine as if the powder had been kept in any store or warehouse.

§ 5. *And be it further ordained,* That the mayor or any alderman, is hereby authorized, as often as he shall be informed upon oath, of probable cause to suspect any person or persons whomsoever, of concealing or keeping within the said city, any quantity of gun powder over and above thirty pounds, as aforesaid, to issue a search warrant to examine into the truth, of such allegation or suspicion, and search any place whatever therein. This ordinance shall take effect from and after the passage thereof.

Passed by the board of aldermen, April 29, 1823.

ARCHIBALD GAMBLE, *Pres't.*

Approved, April 29, 1823.

WM. CARR LANE, *Mayor.*

CITY PRINTER.

An ordinance providing for the election of a city printer.

Sec. 1. City printer to be elected—duties and compensation—

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That on the first Monday of October, in each and every year, the board of aldermen shall elect, by ballot, some qualified person as city printer, who shall do all the printing for the city as directed from time to time by the board of aldermen; and the city printer thus appointed for the time being, shall receive such compensation as shall be regulated by resolution of the board of aldermen, and the compensation for such printing, shall not be reduced during the term for which said city printer was appointed, under any pretence whatever.

This ordinance to take effect from and after the passage thereof.

Passed by the board of aldermen, Sept. 23d, 1834.

HUGH O'NEIL, JR. *President.*

APPROVED, September 25th, 1834.

JOHN W. JOHNSON, *Mayor.*

CITY MARKET.

An ordinance concerning the city market.

Sec. 1. Liability of those who bid in city property, and who fail to comply with their bids.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That if any person shall become the purchaser or lessee of any store room, cellar, stall, shamble, shed, or any property pertaining or which may hereafter belong to the city of St. Louis, and which may be sold or leased at public auction, by bidding or causing bids to be made therefor, and shall fail or refuse to comply with the conditions of any such leasing or buying, within one hour after such leasing or buying, it shall be the duty of the officer superintending such sales or leases, immediately after such failure, again to set up the property so sold or leased at public auction, and sell or lease the same to the highest bidder, according to existing regulations; and if said property thus

sold or leased, shall not upon such second sale or lease, bring the same amount that was bid therefor in the first instance, then and in that event, the bidder failing as aforesaid, shall be held bound and responsible for the difference between the first and subsequent bids, to be recovered by action of debt, before any tribunal having jurisprudence thereof; and the person so failing, as aforesaid, shall be prohibited and debarred from bidding again on that day for the same property. This ordinance shall take effect from and after the passage thereof.

Passed by the board of aldermen, August 9th, 1834.

HUGH O'NEIL, JR. *President.*

APPROVED, August 11th, 1835.

JNO. W. JOHNSON, *Mayor.*

CITY HOSPITAL.

An ordinance authorizing the board of aldermen to appropriate money for the support of a hospital.

Sec. 1. Board of aldermen authorized to make appropriations of money by resolution for the support of hospitals, and for other purposes.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That the board of aldermen be and they are hereby authorized to make appropriations, by resolution, for the support of hospitals in the city of St. Louis, and also for opening and repairing streets and alleys, repairing market house for the proper regulation of the police of the city, and for all other purposes connected with the prosperity and concerns of the city, and which are not otherwise specifically provided for by ordinance.

This ordinance shall take effect, and be in force, from and after its passage.

Passed by the board of aldermen, October 28th, 1831.

JOSEPH C. LAVEILLE, *President.*

APPROVED November 1st, 1831.

DANIEL D. PAGE, *Mayor.*

Presented to the mayor for his approval, October 29, 1831.

J. A. WHERRY, *Register.*

REPAIRS OF BUILDINGS.

An ordinance to prevent the repairing of any building, porch, or fence, standing on the street.

Sec. 1. No person shall repair buildings; &c., that stand on the street—proviso.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That no person shall be permitted to repair any building, porch, or fence, which may be standing on any street, lane, or alley, or highway within this city, under the penalty of one hundred dollars to be recovered with costs of suit, as other fines and forfeitures are directed to be recovered: *Provided, however,* that it may be lawful for the board of aldermen by resolution, to permit any person, being the owner of the property, upon his petition to the board, to repair any such building, porch or fence, upon condition that he will remove the same at such time as the board may designate in such resolution. This ordinance to take effect, and be in force from and after its passage.

Passed by the board of aldermen, December 30, 1834.

JAMES P. SPENCER, *Pres't. pro tem.*

Approved, 1st day of January, 1835.

JOHN W. JOHNSON, *Mayor.*

DEPUTY SUPERINTENDENT OF WATER WORKS.

An ordinance authorizing the appointment of deputy superintendent of the water works.

Sec. 1. Superintendent to appoint deputy.

2. Deputy's duties.

3. Compensation of superintendent and deputy.

4. Contracts for water not to be for less than three months.

5. In what case water may be stopped.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The superintendent of the water works shall appoint a deputy, to be approved by the board of aldermen.

§ 2. It shall be the duty of the deputy aforesaid, to attend to all the hydrants within the city, and see that the same is kept in good order; he shall also attend to the giving out of contracts for water, and keep

the fire plugs in good order, and do such other duties as shall be imposed on him by any resolution of the board of aldermen, and obey all instructions of the superintendent of the water works.

§ 3. The superintendent and the deputy shall be entitled to receive as a full compensation for their services, respectively—the superintendent nine hundred dollars, and the deputy four hundred dollars, to be paid quarterly.

§ 4. Contracts for water shall not be given for a shorter time than three months.

§ 5. If after the second demand made by the collector for the payment of any water license, the same shall not be paid, the collector shall report the same without delay, to the superintendent of the water works, whose duty it shall be stop off the supply made to such delinquent, if practicable; and the collector shall likewise report such delinquent or delinquents to the city attorney, whose duty it shall be to bring suit against such delinquents for breach of the ordinances concerning the water works.

Passed by the board of aldermen, March 7th, 1836.

JAMES P. SPENCER, *Pres't.*

Approved, March 10, 1836.

JOHN F. DARBY, *Mayor.*

REVENUE AND TAXES.

An ordinance, supplementary to an ordinance, regulating the revenue and taxes of the city.

SEC. I. Assessor to make return of assessment in sixty days.

2. When returned, to be examined.

3. Assessment disapproved of—new assessor to be appointed.

4. When he shall be qualified

5. Shall proceed to make new assessment, and report to committee of ways and means.

6. Committee to report to board.

7. Mode of assessing real estate.

8. Assessor not to assess in company with county assessor.

9. Repugnant ordinances repealed.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That when the assessor appointed by the ordinance, to which this is a supplement, shall have been qualified as required by said ordi-

nance, he shall within sixty days thereafter make a complete return of the same to the committee of ways and means.

§ 2. When the return of the assessment list shall have been made to the committee, they shall make examination of the same, and if in their opinion it has been made agreeable to law, and is a fair assessment of all the property made taxable by the ordinance of the city, they shall report within ten days the said list of assessment to the board of aldermen for their approval, and, on such approval by the board of aldermen, the register shall inform the mayor thereof, who shall proceed, as is required by the seventh section of the ordinance to which this is supplimented.

§ 3. That should such assessment be disapproved of by the board of aldermen, the office of assessor shall be vacated, and a new one shall be elected by the board of aldermen.

§ 4. The assessor, thus appointed, shall be qualified within three days after his election shall be notified to him.

§ 5. Said assessor is to proceed to make a new assessment and perform all the duties of the assessor under the ordinances of the city, but shall make his return to the committee of Ways and Means within forty days after his qualification.

§ 6. The committee shall report the new assessment to the board of aldermen within ten days after the return made to them as aforesaid.

§ 7. The assessor shall assess the real estate of the city, by wards, by fixing a fair valuation on the different lots; and shall assess the improvements thereon separately: the amount of ground to be set in one column, and that of the improvements in a second column, conveying to a third column the sum total belonging to each individual.

§ 8. The assessor shall not assess in company with the county assessor any of the property of this city.

§ 9. *And be it further ordained,* That all ordinances now in force, and repugnant to the provisions of this ordinance, be and the same are hereby repealed. This ordinance to take effect and be in force from and after the passage thereof.

Passed by the board of aldermen, March 7th, 1836.

JAMES P. SPENCER, *President.*

APPROVED, March 10th, 1836.

JOHN F. DARBY, *Mayor.*

STALLS IN THE MARKET HOUSE.

An ordinance relating to stalls in the market house.

Sec. 1. Grade of prices fixed on stalls.

2. Persons holding stalls under leases, privileged to retain them at the graded price.
3. Holders of stalls to keep the same supplied with meat.
4. Stall holders to keep the stalls in repair.
5. Grade of prices is an annual rent to be paid quarterly.
6. Stalls remaining unoccupied may be leased.
7. Stall holders to give bond with security.
8. Lease of stall may be annulled, on failure to comply with contract.
9. City constable to attend to the requisitions of this ordinance.
10. Bonds to be filed in register's office.
11. Repealing clause—no stall holder to assign without the consent of the board of aldermen.
12. Ordinance to take effect.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The following grade of prices is fixed on the butcher's stalls in the market house respectively, to wit:

Stall number one is graded at one hundred and fifty dollars; stall number two is graded at one hundred and eight dollars; stall number three is graded at one hundred and eight dollars; stall number four is graded at one hundred fifty dollars; stall number five is graded at sixty-six dollars; stall number six is graded at sixty-six dollars; stall number seven is graded at sixty-six dollars; stall number eight, at ninety-seven dollars and fifty cents; stall number nine is graded at eighty-seven dollars; stall number ten is graded at sixty-six dollars; stall number eleven is graded at sixty-six dollars; stall number twelve is graded at ninety-seven dollars and fifty cents; stall number thirteen is graded at thirty-five dollars; stall number fourteen is graded at twenty-nine dollars; stall number fifteen is graded at twenty-nine dollars; stall number sixteen is graded at thirty-five dollars; stall number seventeen is graded at one hundred and eight dollars; stall number eighteen is graded at sixty-six dollars; stall number nineteen is graded at sixty-six dollars; stall number twenty is graded at eighty-seven dollars; stall number twenty-one is graded at forty-two dollars; stall number twenty-two is graded at thirty-five dollars; stall number twenty-three is graded at thirty-five dollars; stall number twenty-four is graded at forty-five dollars; stall number twenty-five is graded at thirty dollars; stall number twenty-six is graded at twenty-five dollars; stall number twenty-seven is graded at twenty-five dollars; stall number twenty-

eight is graded at twenty-five dollars; stall number twenty-nine is graded at twenty dollars; stall number thirty is graded at twenty dollars; stall number thirty-one is graded at twenty dollars; stall number thirty-two is graded at twenty-five dollars.

§ 2. Those occupying stalls in the market house under leases from the city, are privileged to retain them at the grade of prices herein fixed, for the term of five years.

§ 3. Any person holding stalls under this ordinance, shall keep the same supplied with meat in the usual and accustomed manner.

§ 4. Holders of stalls under this ordinance, shall keep the same in good repair and condition during the whole of the said term of five years at their own cost and expense.

§ 5. The grade of prices fixed on each stall by this ordinance, is an annual rent therefor, the fourth of which annual rent shall be paid at the end of each and every quarter by the occupier thereof, and shall not remain unpaid for more than two months after the same shall become due.

§ 6. If after the taking effect of this ordinance, any of the stalls in the market house shall remain unoccupied, they may be leased out at the grade herein fixed, for the portion of time of the said five years which shall remain unexpired, and upon the conditions herein contained.

§ 7. Persons occupying stalls under this ordinance, shall give bond to the city with sufficient security to be approved of by the constable, conditioned for the observance of the requisitions of this ordinance.

§ 8. If any occupant of a stall shall fail to comply with the requisitions of this ordinance, it shall be lawful for the board of aldermen by resolution to be entered of record among the minutes of their proceedings, to divest the delinquent occupier of his possession, and to take possession of his stall.

§ 9. It shall be the duty of the city constable to attend to the requisitions of this ordinance, and cause the same to be carried into effect.

§ 10. All bonds taken by the constable under this ordinance shall be filed in the register's office.

§ 11. All ordinances and parts of ordinances, contrary to, or inconsistent with the provisions of this ordinance, are hereby repealed. No holder of a stall under this ordinance shall be permitted to assign the same, unless with the consent of the board of aldermen.

§ 12. This ordinance shall take effect and be in force, from and after the 19th day of August next.

Passed by the board of aldermen, March 28, 1836.

JAMES P. SPENCER, *Pres't.*

Approved, 30th March, 1836.

JOHN F. DARBY, *Mayor.*

HAY AND COAL.

An ordinance concerning hay and coal.

SEC. 1. Weighers of hay and coal to receive fees before giving certificate.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The weighers of hay and stone coal, shall demand and receive the fees for weighing hay and stone coal, as authorized by ordinance, before they, or either of them, give any certificate of the weight of any cart or wagon load of hay or stone coal.

Passed by the board of aldermen, March 21, 1836.

JAMES P. SPENCER, *Pres't.*

APPROVED, March 25, 1836.

JOHN F. DARBY, *Mayor.*

GRADING AND PAVING.

An ordinance supplementary to an ordinance entitled an ordinance concerning grading and paving.

SEC. 1. Certain sections of former ordinances repealed.

2. Grading to be done at expense of city.

3. When grading done, amount of curb stones to be ascertained and collected as a special tax.

4. Owner or holder of property refusing to make side walks, commissioner to contract.

5. Owner or holder refusing to pave side walk, commissioner to proceed in same manner.

6. Register to make out statement of assessed value of real estate in each ward.

7. Repairs done to curbing and side walks to be paid by owners fronting.

8. Street commissioner to give notice to owner or holder, of repairs needed.

9. Where owner is non-resident, notice to be published in newspaper.

10. Owner, holder or agent, neglecting to comply with the requisitions of notice—what to be done.

Be it ordained by the mayor, and board of aldermen, of the city of St. Louis, as follows:

§ 1. That the first, sixth, fifteenth, sixteenth and eighteenth sections of an ordinance concerning grading and paving, approved 19th January, 1836, are hereby repealed.

§ 2. The grading of all streets, shall be done at the expense of the city.

§ 3. Whenever any street shall have been graded or paved, under the provisions of the ordinance to which this is a supplement, the street commissioner shall ascertain the amount which is to be paid by the owners or holders of lots fronting thereon, for the curb stones set on such street, and the amount so ascertained, when approved by the board of aldermen, shall be levied and collected as a special tax, from the owners or holders, in the usual manner of collecting city taxes.

§ 4. The street commissioner shall have power, upon failure of any lot owner or holder to make his side walk, after thirty days notice given to him so to do, to contract for the making of the same, and to cause the same to be made; and the cost for making such side walk shall be levied upon and collected in the usual manner, from said lot owner or holder.

§ 5. If the owner or holder, after being notified as aforesaid, shall neglect or refuse to pave the side walk as required, the street commissioner shall proceed and act in the same manner as is prescribed in the third section of this ordinance.

§ 6. That so soon as the tax list shall be corrected and approved by the board of aldermen, the register shall make out and present to the board of aldermen, a true statement of the assessed value of the real estate in each ward.

§ 7. All repairs done to curbing and side walks, shall be paid for by the owners or holders of lots, fronting where such repairs are done.

§ 8. The street commissioner shall give thirty days notice to the owner or holder of each lot, fronting where such repairs aforesaid are to be done, requiring him to have the same repaired, as the case may be, within the time specified, which notice shall be printed or written, and specify the work required to be done.

§ 9. Where the owner or agent of any lots, is not a resident of this city, or is not known to the street commissioner, notice as aforesaid shall be given in the newspaper, printing the ordinances of this city,

describing the lot or lots before which the work is to be done, as well as the circumstances of the case will admit.

§ 10. And if the owner, holder or agent of any lot, shall neglect or refuse to comply with the requisitions of the notice aforesaid, the street commissioner shall have the same done at reasonable rates, which amount shall be levied and collected, as a special tax, from said owner or holder as aforesaid.

Passed by the board of aldermen, March 21, 1836.

JAMES P. SPENCER, *Pres't.*

Approved, March 25, 1836.

JOHN F. DARBY, *Mayor.*

HARBOR.

An ordinance supplementary to an ordinance regulating the harbor of the city of St. Louis, approved, January 9, 1836.

Sec. 1. No person to stop drift-wood.

2. Time for boats to discharge freight fixed.

Be it ordained by the mayor and board of aldermen, of the city of St. Louis, as follows:

§ 1. That no person or persons shall be permitted to stop ordinary drift-wood at the wharf or landing within the city, above the east end of Cedar street, excepting such wood as they shall entirely remove from the wharf or landing, within six hours from the time of stopping the same, under a penalty of not exceeding ten dollars for each and every such offence; and the harbor and lumber master is hereby directed at all times, immediately to remove and put afloat all such drift-wood as he may find on, or attached to the shore, which is in any way obstructing the landing or beach.

§ 2. *Be it further ordained,* That the time allowed for boats laden with merchandise, to discharge and take in freight, shall be as follows, viz:—

Boats of sixty tons or under, five days; boats of from sixty tons to one hundred tons, six days; boats from one hundred tons to one hundred and fifty tons, seven days; boats from one hundred and fifty tons to two hundred tons, eight days; boats from two hundred tons to three hundred tons, nine days; boats over three hundred tons, ten days.

Passed by the board of aldermen, March 28, 1836.

JAMES P. SPENCER, *President.*

APPROVED, March 30th, 1836.

JOHN F. DARBY, *Mayor.*

SOUTH WARD FIRE COMPANY.

An ordinance establishing and organizing the south ward fire company.

- Sec. 1. Company organized.
 2. Constitution and by-laws approved.
 3. Same to remain on file in register's office.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. John Pitcher, Elkanah English, Nathaniel C. Studley, and others, who have formed themselves into an association called the "South Ward Fire Company," and such others as may become associated with them, not exceeding one hundred in number, are hereby established and organized into a fire company, and shall be known by the name of the "South Ward Fire Company."

§ 2. The constitution and by-laws submitted to the board of aldermen by the said company, are hereby approved; and, together with such amendments as may hereafter be made thereto by said company, not inconsistent with the laws of the land, shall have the force, validity and effect of ordinances of this city.

§ 3. The constitution and by-laws submitted to the board of aldermen by said company, shall remain on file in the register's office.

Passed by the board of aldermen, March 28th, 1836.

JAMES P. SPENCER, *Pres't.*

Approved, March 30, 1836.

JOHN F. DARBY, *Mayor.*

PURCHASES IN THE COMMON.

An ordinance concerning purchases in the common.

- Sec. 1. In case of failure of any purchaser of land within the common who has disposed of the same, the second purchaser may pay the interest or principal within thirty days after the primary purchaser would have forfeited the same.
 2. The first purchaser not released on account of this ordinance.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. If any person or persons who have purchased or may hereafter purchase land from the city within the survey of the St. Louis common, shall at any time sell, or otherwise dispose of his, her or their right in said land, or any part thereof, to any other person or persons, he, she or they obtaining such right shall, in the event of the primary purchaser or purchasers failing to comply with his, her or their contract with the city for said land, have, at his, her or their election, the right to pay to the city the interest or principal, as the case may be, in the same manner and with the same privileges as the primary purchaser from the city would have had according to his contract with the city, within thirty days after such primary purchaser would have forfeited the same to the city.

§ 2. Nothing contained in this ordinance shall be so construed as to release the first purchaser or purchasers, or any person or persons that have entered into any contract with the city for land within the common; but all such notes, bonds or contracts shall be in as full force as if this ordinance had not been passed, any thing to the contrary notwithstanding.

Passed by the board of aldermen, June 21st, 1836.

JAMES P. SPENCER, *Pres't.*

Approved, June 27, 1836.

JOHN F. DARBY, *Mayor.*

CLERK OF THE MARKET.

An ordinance concerning the clerk of the market.

- SEC. 1. Clerk of the market to be appointed—to perform duties heretofore enjoined on city constable—his compensation.
2. Authorized to take and confine offenders, till brought before magistrate or turned over to city constable
3. Empowered to summon by-standers to aid in arresting offenders.
4. Subject to same penalties as are by ordinance prescribed.
5. So much of this ordinance as enjoins the duties of clerk on city constable, repealed.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That there shall be annually appointed by the board of aldermen a suitable person as clerk of the market, who shall do and per-

form the same duties as are now enjoined and imposed upon the city constable as clerk of the market, and such other duties as may hereafter be imposed on him, for which services he shall receive three hundred dollars per annum, to be paid quarterly out of any money in the treasury not otherwise appropriated.

§ 2. That in order better to enable the clerk of the market in said city, to maintain peace and good order in the public market of said city, all the powers assigned to the city constable are hereby declared to be vested in said clerk, with full power and authority to exercise the same at and about said market during market hours; and it shall be lawful for said clerk, when he may deem it necessary for the public good, to apprehend and take into his custody, without precept or warrant, all persons who may be found in and about said market square, drunk, fighting, quarrelling, reviling, threatening, swearing, blackguarding, pilfering, stealing, robbing, cheating, swindling, or disturbing the good people at or about said market, or committing other offences against the ordinances of said city, and confine such offenders in the city guard house or gaol of the county, until such time as his other duties will allow him leisure to carry such offenders before the mayor or any alderman or justice of the peace within said city, to be dealt with according to the ordinances of the city and laws of the land; or until he shall have an opportunity of turning such offender over to the custody of the city constable, who is hereby directed to receive them and have them dealt with according to the ordinances of said city, and the laws of the land.

§ 3. That the said clerk shall have power (the better to enable him to make arrests as aforesaid, and to secure such offenders when arrested) to summon the by-standers to aid him; and if any person, after being summoned by said clerk to aid him in the execution of the authority delegated to him by this ordinance, shall neglect or refuse to render such assistance, such person shall be subjected to the same penalties and proceedings, as if he, she or they had refused to obey the summons of the city constable.

§ 4. The clerk of the market shall be subject to the same penalties as are by ordinance prescribed.

§ 5. So much of this ordinance prescribing the duties of city constable as makes it his duty to act as clerk of the market, is hereby repealed.

Passed by the board of aldermen, July 5th, 1836.

JAMES P. SPENCER, *Pres't.*

Presented to the mayor for his approval, July 3th, 1836, and returned with his objections thereto, same day.

J. A. WHERRY, *Register.*

The foregoing ordinance having been presented to the mayor for his approbation, and by him returned, within the time prescribed by the charter, unapproved, and with a statement of his objections thereto, the reconsideration of said ordinance was had by the board of aldermen, at their meeting on the ninth day of July, eighteen hundred and thirty-six, and upon the reconsideration, the aforesaid ordinance entitled "An ordinance concerning the clerk of the market," was passed in its original shape by the board, a majority of the whole number of members elected voting therefor.

JAS. P. SPENCER, *President.*

Attest, J. A. WHERRY, *Register.*

PROHIBITIONS OF CERTAIN OFFICERS.

An ordinance to prevent certain city officers from becoming contractors to do public works.

Sec. 1. Officers not elected by the people cannot contract for public works paid by the city.

2. Penalty for breach of the above section.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. No officer of this city except such as shall be elected by the people shall directly or indirectly become contractor to do, or perform any work, the payment of which is to be made by the city, nor shall any officer of this city except as aforesaid, become the security upon any note, bond, or contract, in which the city is party.

§ 2. Any officer who shall offend against this ordinance, shall be removed from office by the board of aldermen, and shall moreover pay a fine of fifty dollars for the use of the city.

Passed by the board of aldermen, September 6th, 1836.

JOS. C. LAVEILLE, Pres't *pro tem*.

Approved, Sept. 15, 1836.

JAMES P. SPENCER,

Pres't of the board of aldermen and acting mayor.

REMOVAL OF FILTH, &c.

An ordinance, supplementary to the health ordinances.

- SEC. 1. Constable to procure four water tight carts.
2. He shall employ four men as cartmen for one year.
3. Said cartmen to collect and carry away all filth from his own ward.
4. Board of health to appoint agents to perform duties required.
5. Said agents to superintend cleaning the streets.
6. Parts of a former ordinance "to reorganize the health department," repealed.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. It shall be the duty of the constable under the direction of the board of health, to procure at the expense of the city, four strong and substantial carts with water tight bodies, each to be drawn by one horse.

§ 2. He shall employ under the direction of the board of health, four good and faithful men, one for each cart, to be engaged for one year, one in each ward of the city, under the direction of the constable, and each cartman shall provide his own horse and harness, and shall give security for the faithful performance of his contract, and safe return of the cart, at the end of his term of service, in good order, common wear and tear excepted.

§ 3. It shall be the duty of said cartman to receive and carry away from the kitchens and other places, all filth, animal and vegetable matter, and to call regularly once at least in every twenty-four hours, at each place where a bucket or other vessel containing such filth may be regularly kept, each in his own ward.

§ 4. The board of health shall appoint as many agents for their board as they may think necessary from time to time, said agent to perform such duties as shall be required of them by the board of health.

§ 5. Said agents shall superintend the cleaning of streets and employ men and carts for that purpose under the direction of the board of health, such agents and men to receive such compensation as the board of health shall allow.

§ 6. The fifth chapter, and the fourth and fifth sections of the sixth chapter, of an ordinance, entitled "An ordinance to reorganize the health department," passed by the board of aldermen, June the first, eighteen hundred and thirty-five, is hereby repealed.

Passed by the board of aldermen, September 2, 1836.

JOS. C. LAVIELLE, Pres't *pro temp.*

APPROVED, Sept. 15, 1836.

JAS. P. SPENCER,

Pres't of the board of aldermen and acting mayor.

REMOVAL OF FILTH, &c.

An ordinance, in relation to the board of health.

- SEC. 1. Constable to procure one or more water tight carts.
2. He shall employ one man for each cart, to be engaged under direction of board of health.
 3. Said cart to collect and carry away all filth from his own district.
 4. Sections 1, 2 and 3, of "an ordinance supplementary to the health ordinance," passed Sept. 2d, 1836, repealed.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. It shall be the duty of the constable, under the direction of the board of health, to procure, at the expense of the city, one or more strong and substantial carts, with water tight bodies, each to be drawn by one horse.

§ 2. He shall employ, under the direction of the board of health, one or more good and faithful men, one for each cart, to be engaged for such time as the board of health shall direct from time to time; to be divided in each district of the city, as regulated by said board of health under the direction of the city constable; and each cartman shall provide his own horse and harness, and give security for the faithful performance of his contract, and the safe return of the cart at the end of his term of service in good order, common wear and tear excepted.

§ 3. It shall be the duty of the said cartmen to receive and carry from the kitchens and other places, all filth, animal and vegetable matter, and to call regularly, once at least in every twenty-four hours, at each place where a bucket or other vessel containing such filth may be regularly kept, and assist in carrying the same from the room or yard, where the same is kept to the cart, each in his own district.

§ 4. The first, except the enacting clause, and the second and third section of an ordinance supplementary to the health ordinance.

Passed by the board of aldermen, September 23d, 1836.

JAMES P. SPENCER, *Pres't.*

Approved, October 8th, 1836.

JOHN F. DARBY, *Mayor.*

AUTHORIZING A LOAN.

An ordinance, authorizing the mayor to borrow one hundred and eighty thousand dollars.

- Sec. 1. Mayor authorized to borrow one hundred and eighty thousand dollars.
2. The contract for which to embrace such provisions as shall ensure its performance.
 3. Lenders required to pay to the treasurer the contracts as specified in this section, after a notice of sixty days from mayor and board of aldermen.
 4. The sums thus paid to be kept in the treasury, subject to disposition of the mayor and board of aldermen.
 5. Treasurer to issue to lender certificate of each thousand dollars.
 6. Each certificate being an obligation for principal, payable 1st April 1880, and interest, payable semi-annually.
 7. Said certificate payable at place agreed on by mayor and lender.
 8. Each certificate to be signed by treasurer and mayor, and countersigned by the register.
 9. Drafts for amount of semi-annual interest to be annexed to each certificate.
 10. Certificates transferable by the holder, or representative, by endorsement.
 11. Not redeemable by the city until 1st April, 1880.
 12. The faith and revenue of the city and interest arising from the commons irrevocably pledged for the payment of each certificate.
 13. Thirty thousand dollars of said loan to be appropriated for prosecution of water works.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. The mayor is authorized and empowered to borrow in behalf and for the use of the city of St. Louis, the sum of one hundred and eighty thousand dollars at an interest not exceeding six per centum per annum, and for that purpose to contract with any person or persons, body politic or corporate.

§ 2. In the contract to be made by the mayor by virtue of the preceding section, there shall be embraced such provisions as will insure the performance thereof according to the requirements of this ordinance.

§ 3. The person or persons, body politic or corporate, of whom the Mayor may borrow the sum aforesaid, shall be required to pay the same to the treasurer of the city of St. Louis, in the manner and at the times following, to wit; thirty thousand dollars, of said sum, on or before the first day of April 1837, and the balance in sums of thirty thousand dollars each, shall be paid at such times as the mayor and board of aldermen shall direct, first giving to the lender of the sum aforesaid, sixty days previous notice of the time at which the payment is required to be made, which notice shall be left at such place as may be agreed on between the mayor and the lender, and being so left, shall be a sufficient notice to the lender as required to be given by this section.

§ 4. The sums thus paid to the treasurer shall be kept by him in the city treasury, subject to the disposition of the mayor and board of aldermen.

§ 5. Upon each payment made to the treasurer as aforesaid, he shall issue to the lender as many certificates of one thousand dollars each, as will amount to the sum paid to him.

§ 6. Each certificate so issued shall state that the mayor, aldermen, and citizens of the city of St. Louis owe and promise to pay to the lender aforesaid, the sum of one thousand dollars, payable on the first day of April eighteen hundred and eighty, with interest thereon at the rate of six per centum per annum, payable semi-annually from the date of the certificate, at such place within the United States as may be agreed on by the mayor and lender aforesaid.

§ 7. Each certificate shall be payable at such place as may be agreed on by the Mayor and lender aforesaid.

§ 8. Each certificate shall be signed by the treasurer and the mayor, and countersigned by the city register, and shall have the seal also of the corporation affixed thereto.

§ 9. To each certificate shall be annexed drafts for the amount of the semi-annual interest, which will become due thereon from the time the certificate is given, to the time fixed for the redemption thereof, which drafts shall be signed by the city treasurer alone, and shall be made payable to the bearer thereof.

§ 10. Each certificate shall be transferable by the holder thereof, or his legal representative by endorsement.

§ 11. The certificates issued as aforesaid shall not be redeemable by the city of St. Louis, until the first day of April, 1880.

§ 12. For the payment and redemption of each and every of the certificates issued as aforesaid, and for the payment of the interest which may accrue, and be due on each and every of them, the faith of the city, and the revenue of the city, and the interest arising from the commons, or so much thereof as may be necessary, are hereby declared to be pledged irrevocably.

§ 13. The sum of thirty thousand dollars out of the aforesaid sum of one hundred and eighty thousand dollars, when the same shall be obtained, is appropriated for the further prosecution of the water works.

Passed by the board of aldermen October 7, 1836.

WILSON PRIMM, *President.*

APPROVED, October 13, 1836.

JOHN F. DARBY, *Mayor.*

PREVENTION OF ACCIDENTS.

An ordinance, to provide against accidents within the city of St. Louis.

- SEC. 1. Persons digging the earth to have the excavations so barred as to prevent accidents.
2. Penalty for not complying with the requisition of the above section.
3. Persons excavating the earth or blasting rocks, not to endanger the lives of citizens.
4. No person to occupy more than two feet of side walks with boxes, barrels, &c. except in receiving and delivering goods. Auctioneers may occupy four feet.
5. No building or impediment to be placed in any of the public high ways.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1. That it shall be the duty of every person who may dig, or have dug or excavated the earth in any part of the city of St. Louis, by which an embankment or excavation has been formed of a greater height or depth than one foot, and which, if left exposed, might expose persons or animals to injury or damage, to have the said embankments or excavations so barred and secured as to prevent accidents to persons or animals passing near the same.

§ 2. And be it further ordained, that in case of failure or refusal on the part of any person employed as above, to secure the embankments or excavations as aforesaid, he, she, or they, so offending shall forfeit

and pay a fine of not more than fifty dollars, nor less than five dollars at the discretion of the tribunal, trying the same, with costs of prosecution.

§ 3. Any person excavating the earth or blasting of rocks within the limits of the city, shall do it in such manner as not to endanger the lives of the citizens, under the penalty of not less than twenty-five dollars nor more than one hundred dollars.

§ 4. No person shall occupy more than two feet of the side walks next to his or her house, nor any other part of the street with boxes, barrels, merchandize or any other article whatever, except in receiving and delivering goods, under the penalty of ten dollars; but auctioneers shall have the additional privilege to use four feet of the width of the centre pavement next adjoining their stores, in exposing and selling all kinds of goods.

§ 5. No building of any description, impediment or obstruction of any nature, shall be built, set up, or erected in any of the public highways, which have been or may hereafter be laid out or surveyed within the limits of this city nor any part of said highways enclosed, under a penalty of fifty dollars, and a further sum of fifty dollars per day for every day during the time such building, fences, impediments or obstructions shall remain after the offender shall have been notified by the constable to cause the same to be removed.

Passed by the board of aldermen, October 7, 1836.

WILSON PRIMM, *President*.

APPROVED, October 13, 1836.

JOHN F. DARBY, *Mayor*.

CONCERNING THE REVISED ORDINANCES :

An ordinance concerning the revised ordinances.

- SEC. 1. This book declared to contain the ordinances of the city.
2. Repeal of ordinances not included in this book.
 3. In what manner the revised ordinances shall be distributed and disposed of.
 4. Remaining copies, how disposed of.
 5. Register to distribute ordinances and take receipts.
 6. Officers receiving copies to return the same on expiration of service.
 7. Copies not returned—penalty.
 8. Construction of the terms " HERETOFORE and HEREAFTER. "
 9. Construction of words of plural import.
 10. Construction of words of singular import.

11. Application of the rules prescribed in the two preceding sections.
12. Construction as to time of passage of ordinances.
13. Repeal of ordinances not to affect acts previously done, &c.
14. Trial and punishment of offences not affected by repeal of ordinances.
15. No action to be affected by repeal of ordinances.
16. This ordinance to take effect after its passage and to form part of revised code.

Be it ordained by the mayor and board of aldermen of the city of St. Louis, as follows:

§ 1 The book of ordinances printed under the direction of the board of aldermen of the city of St. Louis, commencing with an ordinance entitled "an ordinance prescribing the duties of the register of the city of St. Louis," approved 19th March, 1835, and ending with this ordinance, are hereby declared to be ordinances of the city of St. Louis.

§ 2. All ordinances passed by the corporation of the city of St. Louis, prior to the passage of this ordinance, of a permanent and general nature, and not included in said book of ordinances, are hereby declared to be repealed.

§ 3. The register shall cause copies of the said revised ordinances to be distributed as follows, to wit;

- First.* To the mayor, for the use of the mayor's office, two copies.
- Second.* To the constable, for the use of the constable's office, two copies.
- Third.* To the register, for the use of his office and the board of aldermen, six copies.
- Fourth.* To the auditor, treasurer, weighers of hay and stone coal, harbor and lumber master, city attorney, justices of the peace, aldermen within the city of St. Louis, circuit attorney, judge of the circuit court, inspector of beef, pork, and flour, gauger of domestic liquors, city surveyor and street commissioner, superintendent of the water works and city collector, for the use of their respective offices, each one copy.

§ 4. The remaining copies shall be kept by the register in his office for sale at cost, to be determined by the superintendent.

§ 5. The register shall distribute the ordinances aforesaid to the persons entitled thereto, according to the foregoing provisions, on application to him for that purpose, and take receipts for the copies so distributed.

§ 6. Upon the expiration of the term of service, resignation or removal from office of any officer who shall have received a copy of the ordinances, he shall deliver such copy to the register, and in case of the death of any such officer, his personal representatives shall return such copy to the register, and the copy so returned shall be delivered by the register to the successor of such officer.

§ 7. If any of the laws required to be returned by the last section, shall not be returned within three months after the vacancy happens, the delinquent shall forfeit five dollars, to be recovered by action of debt in the name, and to the use of the city of St. Louis, and the register shall prosecute for all such delinquencies.

§ 8. Whenever the term "heretofore" occurs in any ordinance, it shall be construed to mean, any time previous to the day when such ordinance has taken, or shall take effect, and whenever the term "hereafter" occurs, it shall be construed to mean the time after the ordinance, containing such term, shall take effect.

§ 9. Whenever in any ordinance, words importing the plural number are used in describing or referring to any matters, parties or persons, any single matter, party or person, shall be deemed to be included, although distributive words not, may be used.

§ 10. When any subject matter, party or person is described, or referred to by words importing the singular number or the masculine gender, several matters and persons and females, as well as males, and bodies corporate as well as individuals, shall be deemed to be included.

§ 11. The rules prescribed in the two last sections, shall apply in all cases, unless it be otherwise specially provided, or unless there be something in the subject or context, repugnant to such construction.

§ 12. For the purpose of construction, the revised ordinances shall be deemed to have been passed on the same day, notwithstanding they may have been passed, or may have taken effect at different times; but if any provisions of different ordinances are repugnant to each other, that which shall have been last passed, shall prevail, and so much of any prior provisions as is inconsistent with such last provisions, shall be

§ 13. The repeal of any ordinance by this ordinance, shall not be deemed repealed thereby.

affect any act done, or right accrued or established, or any any proceedings, suit or prosecution, had or commenced in any cause by virtue of such repealed ordinances, previous to the time when such repeal shall

take effect, but every such act, right and proceeding shall remain as valid and effectual as if the ordinances so repealed, had remained in full force.

§ 14. No offence committed, and no fine, penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed, shall be affected by such repeal, but the trial and punishment of all such offences, and the recovery of such fines, penalties and forfeitures, shall be had in all respects, as if the ordinance had remained in force.

§ 15. No action, plea, prosecution or proceeding, pending at the time any ordinance shall be repealed, shall be affected by such repeal, but the same shall proceed in all respects, as if the ordinance had not been repealed, except that all such proceedings had, after the time of taking effect of the revised ordinances, shall be conducted according to the provisions of such ordinances, and shall be in all respects subject to the provisions thereof, as far as they are applicable.

§ 16. This ordinance shall take effect from its passage, and shall be published with, and as a part of the revised ordinances.

Passed by the board of aldermen, October 25th, 1836.

WILSON PRIMM, *President.*

Approved, October 26, 1836.

JOHN F. DARBY, *Mayor.*

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