

CHARTER OF INCORPORATION,
AMENDMENTS,

Acts Authorizing Re-Survey and Extension of Limits, and Other Acts,

AND

ORDINANCES

OF THE

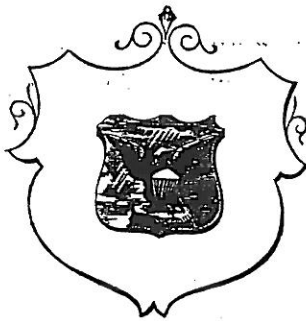
CITY OF WEST POINT,

COLFAX COUNTY, MISSISSIPPI.

Charter Approved March 14, 1872.



MEMPHIS:
BOYLE & CHAPMAN, PRINTERS AND PUBLISHERS, 279 MAIN ST.
1873.



CHARTER OF INCORPORATION

OF THE

Town of West Point, in the County of Lowndes.

1872

SECTION 1. The inhabitants of the territory embraced in the limits of one mile square, assuming the Station house on the Mobile & Ohio Railroad, at West Point, in the County of Lowndes, as a center, are hereby constituted a Corporation and body politic, by the name and style of the MAYOR AND SELECTMEN OF THE TOWN OF WEST POINT, and by that name they shall have perpetual succession, unless repealed by the Legislature; may sue and be sued in all courts of law and equity; may purchase, receive, and hold property, real and personal, within said Town, for all needful purposes of the Town; may lease, sell and dispose of the same for the use and benefit of the Town; and may do and perform all other acts as natural persons, or which may be incident to, or necessary for, the well-being of town and city corporations. They shall have a common seal, to be fixed, adopted, and used by said Mayor and Selectmen, and may break, alter, or change the same at their pleasure.

SEC. 2. It shall be lawful for any Justice of the Peace, in the County of Lowndes, together with two householders, or freeholders, summoned by him for that purpose, to hold and conduct an election on the second Monday in January next, or at any time thereafter, upon giving ten days' public notice, for the purpose of electing five Selectmen, a Mayor, and a town Marshal, who shall be elected by the qualified voters for State and County officers, said voters to be residents within the limits of the Corporation; and when the result of said election shall have been ascertained, the said Justice, acting in the capacity of returning officer, shall give to each of the successful candidates for said offices a certificate of election, and make a certified return of the proceedings and result of said election to the President of the Board of Police of Lowndes county, who shall cause the Clerk of said Board to record the same.

SEC. 3. The Mayor of said Town shall be President of the Board of Selectmen, and a majority of said Board shall be required to transact business. They may determine the rules of their proceedings, fine members for absence or disorderly conduct, and, with the concurrence of two-thirds of the members elect, may expel a member; and all vacancies which may occur in said Board may be filled in such manner as may be provided by ordinance. The Mayor and each Selectman shall, before entering upon the duties of their office, take an oath before any competent magistrate authorized to administer the same, that they will support the Constitution of the United States, and the

Constitution of the State of Mississippi, and that they will faithfully demean themselves in office.

SEC. 4. The chief executive officer of the Town shall be Mayor, and, in addition to the powers conferred upon him as Mayor, shall have all the powers of a Justice of the Peace in and for the County of Lowndes, and in case of a contested election for Mayor, the Selectmen shall determine the same; and if it is determined that two or more persons have the same number of votes, they shall immediately order a new election; and whenever a vacancy shall happen in the office of Mayor, it shall be the duty of the Board of Selectmen to order a new election upon five days' notice.

SEC. 5. The Board of Selectmen shall have power to appoint a Secretary, and such other officers and agents as they may deem necessary; either of whom may be removed from office by a vote of two-thirds of the Selectmen.

SEC. 6. The Mayor and Board of Selectmen may require bond and security in such amounts as they may deem proper from all persons holding office under the provisions of this Charter, conditioned for the faithful performance of their respective duties, and the payment of all moneys in their hands, as the Board may direct, the bond and security to be approved of by the Selectmen, and the said bond shall be made payable to the Mayor and Selectmen of the Town of West Point.

SEC. 7. They shall have power to raise revenue by taxing such property within said Town as shall at the time be liable to State Tax, and the taxes hereby authorized to be levied under the provisions of this Charter may be levied, assessed, and collected under such rules and regulations as may be prescribed by the Mayor and Selectmen.

SEC. 8. For all prosecutions before the Mayor for offenses committed against the Ordinances of this Corporation, and for all proceedings instituted for the collection of taxes, the Mayor, and the Marshal of the Corporation, who shall be its ministerial officer, shall be allowed the same fees as now allowed to Justices of the Peace and Constables in the County of Lowndes.

SEC. 9. The Mayor and Selectmen shall have general powers to fix the compensation of Town officers, and to pass all such By-laws and Ordinances as may be deemed necessary or proper for the benefit of the Town, and not repugnant to or inconsistent with the Constitution and laws of this State, or of the United States. They shall have power to inflict a penalty upon any person or persons for the violation of their Ordinances or By-laws, not exceeding thirty dollars for any one offense, recoverable before the Mayor, in the name of the Mayor and Selectmen, and for the use and benefit of the Corporation.

SEC. 10. All persons residing within the limits of said Town, who are liable to work on roads and highways under the existing laws of this State, shall be liable to work on the streets of said town in like

manner, and shall be exempt from working on roads outside of the Town.

SEC. 11. The Mayor and Selectmen shall have power to pass all By-laws necessary to preserve the health of the Town, and to prevent and to remove nuisances within Town, and within one mile of the same.

SEC. 12. May improve, preserve, and keep in good repair the streets, side-walks, and public square of the Town.

SEC. 13. May license and regulate negro traders, livery stables, auctions, groceries, dry good stores, forwarding, commission, receiving, and all other mercantile houses, confectioneries, peddlers; and also shows, circuses, theaters, and all other places of public amusement, and tax the same.

SEC. 14. The Mayor and Selectmen shall have power to employ a Town Surveyor to survey, run out and make plats or maps of all streets, alleys, by-ways, commons and public grounds, together with all other surveys necessary to ascertain the rights of the Corporation or the inhabitants of the same, in the same manner and under the same laws prescribing the duties of County Surveyors of the State, all of whose acts and deeds shall have the same validity as the acts and deeds of the County Surveyor, within the limits of the Corporation.

SEC. 15. The Mayor and Selectmen and Marshal of the Town of West Point shall continue in office for the

term of two years from the date of their election, and until their successors are duly elected and qualified to act; *Provided*, That the next succeeding election after the first election for Mayor, Selectmen, and Marshal of said Town, shall be held on the first Monday in October, eighteen hundred and sixty, (1860,) and biennially thereafter on the first Monday in October.

Approved, November 20th, 1858.

WILLIAM McWILLI.

I find no violation of the Constitution in the provisions of the above Charter.

[L. S.] T. J. WHARTON, *Att'y General*.

A. B. DILWORTH, *Sec. of State*.

OFFICE OF SECRETARY OF STATE, }
JACKSON, Miss. }

I, C. A. BROUGHER, Secretary of State, do certify the Act hereto attached, entitled "The Charter of Incorporation of the Town of West Point, in the County of Lowndes, approved November 20th, 1858," is a true and correct copy of the original now on file in this office.

Given under my hand, and the great seal of the State of Mississippi, affixed this twenty-seventh day of February, 1867.

C. A. BROUGHER, *Secretary of State*.

AMENDMENTS TO CHARTER.

AN ACT to Amend the Charter of the Town of West Point, in the County of Lowndes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the portion of territory embraced in section fourteen, (14,) the east half of section fifteen, (15,) southeast quarter of section ten, (10,) and the south half of section eleven, (11,) in township seventeen, (17,) range six, (6,) east, in Lowndes County, shall hereafter be known and designated by the name of the "CITY OF WEST POINT," and the inhabitants residing within the above defined territory, and their successors forever, are hereby constituted a body corporate and politic, by the name and style of the "City of West Point," and by that name shall have perpetual succession; shall sue and be sued; plead and be impleaded; defend and be defended, in all courts of law or equity, and in all actions whatsoever; may purchase, accept donations of, receive and hold property, real and personal, within said city limits, and beyond said limits, to be used for

the burial of the dead of said city; and may sell, convey, lease, and dispose of, such property for the benefit of the city, and may have a common seal, and break the same, change or alter the same, and make a new seal at pleasure.

SEC. 2. *Be it further enacted*, That the municipal government of said City shall be vested in a Mayor and five Selectmen, an Assessor and Collector of Taxes, a Clerk and Treasurer, a Marshal, and a City Surveyor, all of whom shall be biennially elected by the qualified electors of said city; the first election to be holden on the first Tuesday succeeding the first Monday in October, 1872, and shall enter upon the discharge of their respective duties on the first Monday of November following, and shall remain in office for the term of two years, or until their successors are qualified; *Provided*, That until such an election can be lawfully held, the Governor of this State may appoint the officers of said city, subject to the approval and confirmation of the Senate. The Mayor and Selectmen in City Council shall, not less than fifteen days before each biennial election, cause public notice to be given by publication in some newspaper published in said city, or posting printed notices in at least three public places in the city; and shall, on or before the day of election appoint three freeholders (a majority of whom may act), of the qualified electors of the city, inspectors of such election, and a returning officer, who shall be sworn before acting by the Mayor, or some other officer of the county competent to administer oaths, to impartially perform their

duties; and they shall hold and preside over said election within such time, and in accordance with the law of holding elections for county officers, and shall make return of the same to the Mayor and Selectmen of the city at their next regular meeting; and if, from any cause whatever, an election should not be held at the time herein required, or that all the officers herein required to be elected, shall not be elected, then, and in that event, the Mayor and Selectmen may order an election by giving ten days' notice thereof in the same manner as they are herein required to give notice of the regular election, and such special election shall be held, presided over, and return made thereof in the same way of a general election.

SEC. 3. *Be it further enacted*, That all **qualified electors under** the laws of the State of Mississippi, who shall have resided in **the city six months** preceding any election, shall be qualified voters for all officers in the city, and eligible to all of said offices.

SEC. 4. *Be it further enacted*, That whenever any vacancy in any of the city offices shall occur, it shall be the duty of the Board of Mayor and Selectmen to order an **election to fill such vacancy at their first regular meeting after such vacancy** shall have come to their knowledge, **to be held on ten days'** public notice, in the manner and under the regulations that are by this Act prescribed for holding and conducting the regular elections.

SEC. 5. *Be it further enacted*, That the Mayor and Marshal shall, **within ten days** after their respective

elections, and before they shall enter upon the discharge of their duties, take and subscribe before the Chancellor of the Chancery District in which said city is situated, or some Justice of the Peace, an oath to support the Constitution of the State of Mississippi, and of the United States, and to faithfully perform the duties of their respective offices; and the Selectmen, Assessor and Collector of Taxes, Clerk and Treasurer, and City Surveyor, shall, at the first meeting, or as soon thereafter as may be, take and subscribe a like oath before the Mayor of the city; and the Mayor, Marshal, Assessor and Collector of Taxes, Treasurer, and City Surveyor, shall, before entering upon the duties of their respective offices, give bond, with two good and sufficient securities, in such penalties and forms, with such conditions as may be prescribed by ordinance of the Mayor and Selectmen, payable to the City of West Point, for the faithful discharge of their respective duties, which bonds shall be presented to the Board of Mayor and Selectmen at a regular meeting, and approved by the Board.

SEC. 6. *Be it further enacted*, That the Mayor and Selectmen shall, at their first regular meeting after each election, cause to be recorded on their minutes the returns and certificates of the inspectors and returning officer of the election.

SEC. 7. *Be it further enacted*, That all the officers of the city shall enter upon the discharge of their respective duties of office on the first Monday of November after their election, or as soon thereafter as they may qualify, except that officers elected to fill vacancies or

otherwise than at regular biennial elections, shall enter upon the discharge of their duties so soon as they may qualify, as herein required.

SEC. 8. *Be it further enacted*, That the Mayor and Marshal of said city shall, in addition to the bonds herein required to be given by them, payable to the City of West Point, qualify respectively as Justice of the Peace and Constable under the laws of the State, and in addition to their duties as city officers, have concurrent jurisdiction with other Justices of the Peace and Constables throughout the Justices' Beat or District in which said city is situated, and shall be entitled to demand and receive such fees as those officers are entitled to under the laws of the State.

SEC. 9. *Be it further enacted*, That the legislative and contracting power of the city shall be vested in a City Board, to be constituted by said Mayor and Selectmen, with power to make and establish rules for its own government; to appoint and regulate the time of its own meetings, and manner of being convened in special meeting, and alter the same at pleasure; to prescribe the duties of all other officers of the city, and enforce a performance of the same; to employ such other officers or agents as they may think necessary for the good and benefit of the city; to levy taxes for the government and improvement of the city, or for the opening or working of the public streets, alleys or public squares, or for the purpose of making pavements, sidewalks, and erecting all necessary public buildings, buying public grounds, graveyards, and beautifying the same; *Provided*, The taxes shall not be for the

city in any one year exceeding the State and county tax for that year, nor shall any property not taxed by the State or county, be subject to city tax.

SEC. 10. *Be it further enacted*, That the Board of Mayor and Selectmen shall have power to grant license, and fix the amount to be paid therefor, to all shows, exhibitions, menageries, circuses, theaters, places of public play or amusement, retail groceries, hotels, boarding-houses, and everything authorized by the laws of the State to be licensed in the State, and pass ordinances controlling and governing the same, and apply the money received for all such license in such way as they may think will best promote the interest of the city, and the said Board of Mayor and Selectmen may, by the consent, to be obtained by ballot, of a two-thirds majority of the qualified voters of the city, levy and collect taxes for special purposes to an amount not exceeding one hundred per cent. per annum upon the regular city tax; *Provided*, No money raised for special purposes shall be applied to any other purposes than those for which they were levied and collected.

SEC. 11. *Be it further enacted*, That the Board of Mayor and Selectmen shall have power to open, alter, abolish, widen, extend, and establish grades, level, pave, or otherwise clear and keep in repair all roads, streets, avenues, lanes, and alleys within the city; and it shall be their duty to cause the City Surveyor to survey the city, and to measure, mark, and lay off the streets, wards, lots, and blocks thereof, and to establish the same as near as may be in accordance

with the original Town of West Point, and to map and certify the same under his hand and seal of office to said Board of Mayor and Selectmen, and if approved by them, they shall cause the same to be duly recorded in the office of the county in which the city is situated, in which deeds of conveyance are authorized to be recorded.

SEC. 12. *Be it further enacted*, That said City Surveyor shall have power to take parol testimony under oath, in absence of written testimony, to establish corners or starting points, and for all other purposes necessary and pertaining to said survey, and he shall have the power to compel the attendance of witnesses under the same penalties that Judges of the Circuit Court have; but in all cases where there is written testimony, he shall be governed by the same rather than parol testimony. And in all cases where disputes may arise as to the location, width and extent of streets, and in all cases where owners of property are dissatisfied with the location of the streets by the City Surveyor, it shall be the duty of the Mayor, upon petition of the party interested praying to have the location of the street determined by a jury, to cause a jury of twelve freeholders and residents in the city competent as jurors in courts of law, to be empanelled according to law within not less than five or more than ten days after the filing of such petition, for the purpose of determining where the street was by the original town of West Point located, and what was its width and extent. And the finding of the jury shall be final, and the street shall be laid out in

accordance with their verdict, and it shall be the duty of the Mayor to issue his precept immediately to the Marshal of the city, commanding him to immediately cause the street to be opened and cleared of all obstructions, and any one resisting the same shall be liable to a fine of fifty dollars for each offense.

SEC. 13. *Be it further enacted*, That should any person or persons have heretofore built any house, fence, or made any improvement whatsoever upon any grounds within the limits of the corporation of the Town of West Point, or should they hereafter do so within the limits of the City of West Point, which said grounds had been laid off according to the original plan of West Point, for a street in said Town of West Point, or in the City of West Point, such person or persons shall not be allowed to demand or sue for, nor shall the Board of Mayor and Selectmen pay the value of any such house, fence, or other improvements; *Provided*, The person or persons who shall have built such house, fence, or made such improvements, or caused the same to be built or made, had notice by the Mayor or any other officer of the Town of West Point or City of West Point, that such land was claimed by the Town or City of West Point as a street at or before the time of such improvements.

SEC. 14. *Be it further enacted*, That should there at any time, from any cause, be no Surveyor of the City, as herein provided, or should he, in the judgment of the Board of Mayor and Selectmen, be incompetent or from any cause unable to survey the city, or do or perform any duty pertaining to his office, it shall be

lawful for the Board of Mayor and Selectmen to have the County Surveyor of the county in which the city is situated, to perform the duties herein required of the City Surveyor, and his acts shall be as valid and binding as if performed by the City Surveyor.

SEC. 15. *Be it further enacted*, That all resignations by the officers of the city shall be made and addressed to the Board of Mayor and Selectmen, and whenever the Mayor shall be absent or unable to act, or when the office shall be vacated, the Selectmen in council shall select one of their number Mayor *pro tem.*, who until the return of the Mayor to his duties, or in case of vacancy, until the election and qualification of his successor, shall perform all the duties of Mayor, and receive the compensation and perquisites belonging and appertaining to the office of Mayor.

SEC. 16. *Be it further enacted*, That the Mayor and Selectmen shall judge of the qualifications of all officers elected, except that of Mayor when a candidate for re-election. The election of Mayor shall only be contested by petition setting forth the facts addressed to the Chancellor of the District in which the city is situated, who after reasonable notice to the Mayor claiming to be elected, shall either at chambers or at term time proceed to determine the same; and if the election shall have been obtained by fraud, bribery or illegal voting, the Chancellor shall annul and set it aside and certify his action to the Board of Selectmen, who shall without delay and without further proceedings in the matter, order an election to fill the vacancy.

SEC. 17. *Be it further enacted*, That the officers of the city shall respectively receive such compensation and have such perquisites as the Board of Mayor and Selectmen shall determine by ordinance.

SEC. 18. *Be it further enacted*, That the Board of Mayor and Selectmen shall have power to pass all ordinances and by-laws which may be necessary and proper to carry into effect the power delegated to them by this Act, with power to abate nuisances, to control and determine what character and of what material buildings shall be erected in the business streets of the city, and within two hundred feet thereof; with power to prescribe in said ordinances and by-laws such fines, forfeitures and punishment for their violation as may be deemed expedient; *Provided*, No fine shall exceed fifty dollars, or imprisonment for a greater time than twenty days shall be imposed for each offense; and such ordinances to repeal or amend at pleasure.

SEC. 19. *Be it further enacted*, That all fines and forfeitures prescribed by the ordinances of the city shall be recoverable in the name of the City of West Point by suit in the Mayor's Court or any court of competent jurisdiction in the county, and the Mayor and Selectmen may in council by a two-thirds vote, remit any fine, forfeiture or penalty, or a part thereof that may have been adjudged against any offender of said ordinances or by-laws by the Mayor.

SEC. 20. *Be it further enacted*, That the Board of Mayor and Selectmen shall prescribe the mode and time of assessing and collecting taxes, and they shall

have power to subject to levy, seizure, and sell any personal property, and when a sufficient amount of personal property cannot be found in the city to satisfy the taxes, any real property in said city owned by any person living in or out of the city, to the satisfaction of all taxes due, and owing by such person to the city, and all taxes levied by the Board of Mayor and Selectmen shall, from the date of the assessment thereof, until paid, be and remain a lien upon the property taxed, and in default of the paying of the taxes by the owner of any such property, the Board of Mayor and Selectmen shall, under proper regulations, have power to require the Tax Collector of the city to sell at public outcry, after giving thirty days' public notice of the time and place and cause of sale, such property, or so much thereof as shall be sufficient to pay said taxes, and all costs incident to said sale; and the said Collector of Taxes shall have power and authority to transfer by conveyance the property sold to the purchaser; *Provided*, That the owner of any real property sold as aforesaid shall have the right of redemption at any time within two years after the date of sale, by paying or tendering to the purchaser, or his legal representative, or depositing with the Treasurer of the city, the amount of the purchase money, and all costs of sale and conveyance, and one hundred per cent. thereon; *And provided further*, That the surplus money remaining, after satisfaction of all taxes and costs, at the date of sale, shall be deposited with the Treasurer of the city, and by him paid over to the owner of the property, or his legal representative, whenever demanded.

SEC. 21. *Be it further enacted*, That when said Board of Mayor and Selectmen shall deem it necessary to use, or take and apply any private property for streets, roads, alleys, burying-grounds, public buildings, or other purposes, they shall endeavor to procure the same at a reasonable price, and if they cannot agree with the owner of the property, or if the owner be incapable of contracting and making a sale thereof, on account of legal disabilities or any other cause, application may be made to any Justice of the Peace of the county by the Board of Mayor and Selectmen to have the value of the property to be taken to be assessed by a jury of freeholders, and thereupon it shall be the duty of the Justice of the Peace to issue his warrant, under his hand and seal, directed to the Sheriff or any Constable of the county, requiring him to summon a jury of twelve freeholders, disinterested persons, of the county, to meet him at the Mayor's office, in said city, on a day named in said warrant, not less than ten nor more than fifteen days from the issuing of the same, to assess the value of the property required by the city, and if at the said time the jurors, or any of them, do not appear, the Sheriff or Constable shall summon instanter as many jurors as may be necessary to complete the jury of twelve men, to whom the said Justice of the Peace shall administer the oath, that they and each of them will justly and truly value the said property, and assess the damages which the owner thereof may sustain by use of the same by the city, and the jury, after hearing all the evidence, under the instruction of the said Justice of the Peace, shall assess the value of the said

lands, and the damages sustained to the owner, and render their verdict in writing, and sign the same, which, together with the warrant and return thereon, shall be returnable to the Chancery Court of the county, and the same shall be confirmed by said Court, if no sufficient cause be shown to the contrary at the next regular term thereof, and be recorded in the Clerk's office at the expense of the city; but if set aside, the said Chancery Court shall order that another inquest shall be taken and returned as above prescribed; and when the said requisition shall have been confirmed by the Chancellor, his action shall be final; and when the city shall have fully paid or tendered to the owner, or his legal representative, or deposited in the Chancery Court of the county the amount of the value of the property, and all damages assessed, and paid all the costs of the proceedings, the city shall be entitled to said lands; and for services rendered, the Sheriff or Constable, and Justice of the Peace, shall be entitled to such fees as they are entitled to for similar services in Justice Court proceedings; *Provided*, Nothing contained in this section shall apply to taking of grounds for streets which were laid out in the original plan of the Town of West Point, or to any damages which persons may receive in having any such streets reopened and cleared.

SEC. 22. *Be it further enacted*, That there shall be established and held in said city a Court by the said Mayor, to be known and called the "Mayor's Court," which may be held daily, and continue in constant session at all times when required by the business

thereof, which Court shall be attended at all times by the City Marshal, who shall have power to execute all process, mesne and final, that may be issued by the Mayor, and do and perform all acts that a Constable of the county may legally do, and under like penalties; and said Mayor's Court shall have jurisdiction of all violations of the City Ordinances; and said Mayor shall, during the session of his Court, have power to fine for contempt of Court, in any sum not exceeding ten dollars (\$10) for each offense; and on failure to pay such fines, may commit the offender to imprisonment until said fine be paid; *Provided*, The imprisonment shall not exceed one day.

SEC. 23. *Be it further enacted*, That any person considering himself or herself aggrieved by the final judgment of the Mayor, other than fines for contempt of Court, may remove said cause and supersede execution by appeal in the same manner of appeals from Justices' Courts in this State.

SEC. 24. *Be it further enacted*, That the style of the Ordinances of the city shall be, "*Be it ordained by the Board of Mayor and Selectmen of the City of West Point.*" All Ordinances passed by said Board of Mayor and Selectmen shall be published and take effect within ten days after their passage; and they may be proved by the seal of the city, and be received in evidence in all Courts of this State without further proof.

SEC. 25. *Be it further enacted*, That all Ordinances and By-laws now in force in the Town of West Point,

and not inconsistent with this Act, shall remain in force until altered, modified, or repealed by the Board of Mayor and Selectmen; and all property, real and personal, and all rights and claims heretofore belonging to the Town of West Point, shall be, and the same are hereby declared to be, vested in and belong to the City of West Point.

SEC. 26. *Be it further enacted*, That all laws and parts of laws now in force that conflict with the provisions of this Act be, and the same are hereby, repealed; and this Act shall take effect and be in force from and after its passage.

Approved March 14, 1872. ✓

OFFICE OF SECRETARY OF STATE, }
JACKSON, MISS. }

I, JAMES LYNCH, Secretary of State, do certify the Act hereto attached, entitled "An Act to Amend the Charter of the Town of West Point, in the County of Lowndes," is a true and correct copy of the original now on file in this office.

Given under my hand, and the great seal of the State of Mississippi hereunto affixed, this eighteenth day of March, 1872.

JAMES LYNCH, *Secretary of State.*

AN ACT to Amend the Charter of the Town of West Point, in the County of Colfax.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the "Act Incorporating the City of West Point, approved March 14, 1872," is so amended as to prohibit the Board of Mayor and Selectmen from appropriating or using the money collected from licenses to retail vinous and spirituous liquors for city purposes, or for any other purpose than for the benefit of the Common School Fund.

SEC. 2. *Be it further enacted*, That all qualified electors under the laws of this State entitled to vote for members of the Legislature, and who shall have resided in the city thirty days preceding any election, shall be qualified voters for all offices in the city, and eligible to all said offices.

SEC. 3. *Be it further enacted*, That hereafter the Assessor and Collector of Taxes, the Clerk and Treasurer, and Marshal, shall be appointed by the Mayor and Selectmen, subject to removal at any time.

SEC. 4. *Be it further enacted*, That all of the Act incorporating the City of West Point above named shall remain in full force and effect, except as herein amended; and that this Act take effect and be in full force from and after its passage.

Approved, April 19th, 1873.

I, H. R. REVELS, Secretary of State, hereby certify that the foregoing is a true and correct copy of the above entitled Act, transcribed from the original, on file in this office.

Given under my hand, and the great seal of the State hereunto affixed, the day and year first above written.

H. R. REVELS, *Secretary of State*.

LEGISLATIVE ENACTMENTS.

AN ACT to Authorize a Re-Survey and Plot of the
Town of West Point, in Lowndes County.

WHEREAS, The original plot of survey of the Town of West Point in said County has been lost or destroyed by the Federal troops during the late war, and

WHEREAS, the said original plot has not been committed to record; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the County Surveyor of Lowndes County be, and he is hereby authorized and empowered to survey said town, and to make and lay out the streets and lots thereof, and to establish the same as near as may be according to said original plot thereof, and to make and certify, under his hand and seal of office, a plot of said survey as hereinafter directed.

SEC. 2. *Be it further enacted,* That said County Surveyor shall have power to take parol testimony, under oath, in the absence of written evidence, to establish

corners or starting points, and for all other purposes pertaining to said survey, and he shall have power to compel the attendance of witnesses under the same penalties that Judges of the Circuit Court have, but in all cases where there is written evidence, he shall be governed by said writing.

SEC. 3. *Be it further enacted*, That where said survey shall have been made, said plot certified to and recorded, the same shall have the force and effect in law and equity that the original plot would have had if the same had not been lost or destroyed, and that the same may be given in evidence under the same rules of law required in courts of law and equity in this State.

SEC. 4. *Be it further enacted*, That this Act shall be in force and take effect from and after its passage.

Approved February 18, 1867.

AN ACT to Extend the Corporate Limits of the Town of West Point, in the County of Lowndes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Charter of the Town of West Point, in the County of Lowndes, shall be extended to two miles square, (assuming the station house of the Mobile & Ohio Railroad Company as the center,) instead of one mile as now allowed by the Charter of said town, approved November 20, 1858, and that this Act take effect and be in force from and after its passage.

Approved November 8, 1865.

AN ACT to Incorporate the West Point Hook and Ladder Company, No. 1.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That Jacob Mann, E. C. Ware, George Mendelson, George Cox, John Jordon, John Page, Philip Cohen, R. Levy, Brent Shearer, J. W. Turberville, and others who may become members of said Company, are hereby constituted a body corporate by the name and style of the West Point Hook and Ladder Company, No. 1, and as such Company may have a common seal; shall have power to sue and be sued; plead and be impleaded; and possess all powers and privileges of a body corporate, and generally to do all such acts as pertain to the same.

SEC. 2. *Be it further enacted*, That said corporation shall have power to prescribe rules and regulations for its government by the members of said corporation, for the election of such officers as may be found necessary, for the admission of members, and all other rules proper for the government of said Company.

SEC. 3. *Be it further enacted*, That said Company shall have power to hold and possess real and personal estate, not exceeding in value thirty thousand dollars, when required, and that the house and lot in which they keep their carriages, trucks, and other apparatus, or other property of said Company necessary or employed for the purpose of extinguishing fires, or the protection of said carriages, truck, or other apparatus, be and the same are hereby exempt from all taxation, State, county, and municipal.

SEC. 4. *Be it further enacted*, That as a condition of this Charter, that said Company shall always keep a truck, hooks and ladders, and all instruments necessary to extinguish fires, properly belonging and appertaining to a hook and ladder company; and that the members thereof shall be excused from street duty or tax for working the same, and from militia duty except in times of invasion, insurrection, or other public danger.

SEC. 5. *Be it further enacted*, That said Company shall be and continue a fire company in the City of West Point, and be subject to the Ordinances of said city, regulating the fire department thereof; and whenever said Company shall cease to exist, their carriages, trucks, hooks, ladders, horses, house and lot, and any and all property whatsoever, shall belong to said City of West Point, for the use of the fire department thereof, and shall be appropriated by the Mayor and Selectmen of said city, and their successors in office, in such manner as they may deem necessary for the protection of the property of said city, and not otherwise; *Provided*, Said City of West Point, by its corporate authorities, shall donate to said Hook and Ladder Company the amount of money necessary to purchase and equip said carriages, trucks, hooks, ladders, horses, house and lot, &c., otherwise said property to be and remain the property of said Company, to be disposed of in any manner they see fit.

SEC. 6. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

Approved, April 9th, 1873.

AN ACT to Incorporate the West Point Savings Bank of West Point, Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That A. P. Morrow, W. T. Morrow, and J. A. Morrow, and all others who may hereafter become associated with them, be, and they are hereby created a body politic and corporate, under the name and style of the "West Point Savings Bank of West Point, Mississippi," and by said name and style shall have perpetual succession; sue and be sued; plead and be impleaded, in any court of law or equity in this State; to have a common seal, and to alter or amend the same at pleasure.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be twenty thousand (\$20,000) dollars, divided into shares of one hundred dollars each, with the privilege of increasing to two hundred (\$200,000) dollars, the certificates of shares to be made payable to the stockholders by name or bearer, and negotiable and assignable by delivery.

SEC. 3. *Be it further enacted*, That said Company are hereby authorized to invest their capital in gold or silver coin, bullion, bank notes, bonds, mortgages, bills of exchange, and other evidences of debt; and may hold such real estate as may be necessary or expedient for carrying on their business, or which may be received by them in payment of debts.

SEC. 4. *Be it further enacted*, That the business of the Company shall be managed and controlled by five

Directors, chosen annually from the stockholders, who shall hold their office until their successors are elected and qualified, which said Directors shall elect one of their number as President, and may appoint such other officers, servants, and agents as to them shall seem best, and may make any by-laws, rules, and regulations for the management and control of the business, property, and effects of said Company; *Provided*, They be not inconsistent with the Constitution and laws of this State, and of the United States.

SEC. 5. *Be it further enacted*, That five per cent. of the stock shall be paid upon subscribing, and the balance to be paid in installments of five per cent., to be paid as called for by the President and Directors; *Provided*, That said installments shall not be called for less than thirty days apart, and as soon as ten thousand dollars of the capital stock shall have been paid in, the said Company may commence business.

SEC. 6. *Be it further enacted*, That the President and Directors may receive lands as capital stock in said Company; *Provided*, That five dollars be paid in advance upon each and every share so taken.

SEC. 7. *Be it further enacted*, That said Company shall be, and they are hereby authorized to receive in trust, or on deposit, gold and silver coin, bullion, bank notes, or other valuables, and to loan the same, with power and authority to receive and pay such rate of interest as may be mutually agreed upon by said Company and its customers, not exceeding ten per cent. per annum.

SEC. 8. *Be it further enacted*, That said Company may deal in exchange, foreign and domestic, to discount notes of hand, bills of exchange, or other evidences of debt, and at such rate of interest as may be mutually agreed upon by said Company and the borrowers, not exceeding ten per cent. discount off.

SEC. 9. *Be it further enacted*, That dividends may be made from time to time, at the discretion of the President and Directors, from the actual profits, but no dividend shall be made which shall in any manner trench upon the capital stock.

SEC. 10. *Be it further enacted*, That any stock in said corporation owned by any person or persons indebted to said Company, either as principal or security for others, and whether such indebtedness be due, or has not matured, shall, at the option of the Directors of said Company, be held as security until said indebtedness be paid and discharged, and in case of failure of payment of said indebtedness within twenty days after the maturity of the same, the Directors shall have power to sell said stock, or as much thereof as will satisfy said indebtedness, by advertising the same for ten days prior to the day of sale, in some paper published in the town of West Point.

SEC. 11. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

Approved, January 3, 1872.

AN ACT to Incorporate the Planters and Merchants Bank of West Point, Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That J. R. Gilfoy, with all others who are now, or may be hereafter associated with him, are hereby created a body politic and corporate, under the name of "J. R. Gilfoy & Co.," and by that name shall have perpetual succession; may sue and be sued; plead and be impleaded, in courts of law or equity, and may have a common seal, and the same to alter at pleasure.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be fifty thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing to two hundred thousand dollars, the certificates of shares to be made payable to the stockholder by name or bearer, and negotiable and assignable by delivery.

SEC. 3. *Be it further enacted*, That said Company shall be, and they are hereby authorized to invest their capital in gold and silver coin, bullion, bank notes, bonds, and mortgages, bills of exchange, or other evidences of debt, and may hold such real estate as may be necessary or convenient for carrying on their business, or which may be received by them in payment of debts.

SEC. 4. *Be it further enacted*, That the business of the Company shall be managed and controlled by five Directors, chosen annually from the stockholders, who

shall hold their offices until their successors are elected and qualified, which said Directors shall elect one of their members as President, and may appoint such other officers, servants, and agents as to them shall seem best, and may make any by-laws, rules and regulations for the management and control of the business, property and effects of said Company; *Provided*, The same shall not be contrary to the Constitution and laws of this State, or of the United States.

SEC. 5. *Be it further enacted*, That said Company shall be, and they are hereby authorized to receive on trust, or on deposit, gold and silver coin, bullion, bank notes, or other valuables, and to loan the same, with power and authority to receive and pay such rate of interest as may be mutually agreed upon by said Company and its customers, not exceeding ten per cent. per annum.

SEC. 6. *Be it further enacted*, That said Company may deal in exchange, foreign and domestic, to discount notes of hand, bills of exchange, or other evidences of debt, and at such rate of interest as may be mutually agreed upon by said Company and the borrower, not exceeding ten per cent. discount off.

SEC. 7. *Be it further enacted*, That dividends may be made from time to time, at the discretion of the President and Directors, from the actual profits, but no dividends shall be made which shall in any manner trench upon the capital.

SEC. 8. *Be it further enacted*, That any stock in said corporation owned by any person or persons indebted

to said Company, either as principal or as security for others, whether said indebtedness be due or has not matured, shall, at the option of the Directors of said Company, be held as security until said indebtedness be paid and discharged, and in case of failure of payment of said indebtedness within twenty days after the maturity of the same, the Directors shall have power to sell said stock, or as much thereof as will satisfy said indebtedness, by advertising the same for ten days prior to the day of sale, in such paper as they shall designate in West Point, in the County of Lowndes; or if there be, from any cause, no paper in existence in West Point, in the County of Lowndes, such advertisement may be made by notice in writing, posted at three different public places in Lowndes County.

SEC. 9. *Be it further enacted*, That this Act shall be in full effect and force immediately after its passage.

Passed House of Representatives, February 11th, 1871.

H. W. WARREN, *Speaker*.

Passed Senate, January 19th, 1871.

R. C. POWERS, *President of the Senate*.

Approved, February 16th, 1871.

JAMES L. ALCORN, *Governor*.

OFFICE OF SECRETARY OF STATE, }
JACKSON, MISS. }

I, JAMES LYNCH, Secretary of State, do certify the Act hereto attached, entitled "An Act to Incorporate the Planters and Merchants Bank of West Point, Mississippi," is a true and correct copy of the original now on file in this office.

Given under my hand, and the great seal of the State of Mississippi hereunto affixed, this first day of March, 1871.

JAMES LYNCH, *Secretary of State*.

A RESOLUTION OF THE BOARD OF MAYOR AND SELECTMEN OF THE CITY OF WEST POINT, AMENDING SECTIONS FIVE 95) and SIX (6) OF THE CHARTER OF THE CITY OF WEST POINT, SO AS TO PROVIDE FOR A POLICE COURT AND A POLICE JUSTICE, AND OTHER PURPOSES.

Be it resolved by the Board of Mayor and Selectmen of the City of West Point, that:

Section 1: Section Five (5) of the Charter of the City of West Point, Mississippi, as amended on May 12, 1934, be and the same is hereby further amended to read as follows:

"(a) That there shall be, and is hereby established in said City of West Point, a Court to be known as "The Police Court of the City of West Point." to be held and presided over by a Police Justice; said Court may be held every day (except Sundays) or as often as the interests of said City may require; said Police Justice shall have jurisdiction to hear and determine all alleged violations of the ordinances of said City, whether such be also punishable as an offense against the State or not, and to fix and adjudge the punishment of all persons by him found guilty or such violation of city ordinances, by fine or imprisonment, or by both such fine and imprisonment, within the limits fixed by the ordinances of said city, and to cause all orders, judgments and sentences, of said Court to be executed either by the City Marshall or any police officer of the City, or by the sheriff or any constable of the County of Clay; he may issue all process which may be necessary to procure the attendance of parties, witnesses, or others, and cause the same to be executed by any of the officers aforesaid; may administer oaths and take all necessary bonds or recognizance in sums not exceeding two hundred and fifty dollars, with such sureties as he may deem necessary to insure the appearance of parties and witnesses, and may proceed on such bond or recognizance in case of forfeiture as in like cases before Justices of the Peace, the proceeds of such forfeiture to be paid into the city treasury for the use of said city; said Police Justice shall also be a conservator of the peace and may hear and dispose of any offense committed "against the criminal laws of this State within the said City; and as to criminal offenses against the laws upon justices of the peace, and from his decision in matters against the criminal laws of this State, appeals may be had as in like cases before justices of the peace. Any person who shall be guilty of any contempt of said court, such court shall have all such powers as are usually incident to courts of like character, or necessary to carry out the full purposes and objects of this act."

(b) The Board of Mayor and Selectmen shall appoint or elect a Police Justice and fix the compensation to be paid the Police Justice. The Police Justice shall serve at the will and pleasure of the Board of Mayor and Selectmen.

"Section 6. That any person who shall be convicted by said Police Justice for the violation of any ordinances of said city, shall be entitled to an appeal to the Circuit Court of said County, upon giving bond with security, to be approved by said Police Justice, payable to the "City of West Point" in a penalty not exceeding two hundred dollars conditioned for the appearance of the principal at the next term of the Circuit Court, and for the payment of such judgment as such Circuit Court may render against him, and such appeal and bond shall operate as a supersedeas from the time of giving such bond".

Section 3: The amendments herein made shall be and become effective on the 1st day of July, 1957.

Section 4: The amendments to the Charter of the City of West Point, proposed and made herein, shall be published in the Daily Times Leader, a newspaper published and having a general circulation in the City of West Point, a legal newspaper, once each week for three (3) consecutive weeks, after which, the amendments will be submitted to the Governor of the State of Mississippi for approval as is provided by law, unless ten (10) percentum of the qualified electors of the City of West Point shall protest the granting of said amendments before the Governor shall approve the amendments.

Selectman A. J. Pearson moved the adoption of the resolution, which was seconded by Selectman B. B. Dill, and the motion was put with the following vote:

Selectman C. P. Winters voted Yea

Selectman T. K. Wilkey voted Yea

Selectman A. J. Pearson voted Yea

Selectman B. B. Dill voted Yea

Selectman J. A. Randle voted Yea

Whereupon, the Mayor declared the Resolution adopted on this the 8th day of January, 1957.

/s/ R. B. Marshall
Mayor

/s/ H. L. Murphy
Clerk

A RESOLUTION OF THE BOARD OF MAYOR AND SELECTMEN OF THE CITY OF WEST POINT AMENDING SECTION 5 OF THE CHARTER OF THE CITY OF WEST POINT AS AMENDED SO AS TO PROVIDE FOR A POLICE COURT AND A POLICE JUSTICE AND FOR OTHER PURPOSES.

BE IT RESOLVED by the Board of Mayor and Selectmen of the City of West Point, that:

Section 1. Section 5 of the Charter of the City of West Point as amended on May 12, 1934, and as further amended by Resolution adopted on January 8, 1957, be and the same is hereby further amended to read as follows:

(a) That there shall be, and is hereby established in said City of West Point, a Court to be known as "The Police Court of the City of West Point," to be held and presided over by a Police Justice; said Court may be held every day (except Sundays) or as often as the interests of said City may require; said Police Justice shall have jurisdiction to hear and determine all alleged violations of the Ordinances of said City, whether such be also punishable as an offense against the State or not, and to fix and adjudge the punishment of all persons by him found guilty of such violation of city ordinances, by fine or imprisonment, or by both such fine and imprisonment, within the limits fixed by the ordinances of said city, and to cause all orders, judgments and sentences, of said Court to be executed either by the City Marshal or any police officer of the City or by the Sheriff or any Constable of the County of Clay; he may issue all process which may be necessary to procure the attendance of parties, witnesses, or others, and cause the same to be executed by any of the officers aforesaid; may administer oaths and take all necessary bonds or recognizance in sums not exceeding two hundred fifty dollars, with such sureties as he may deem necessary to insure the appearance of parties and witnesses, and may proceed on such bond or recognizance in case of forfeiture as in like cases before Justices of the Peace, the proceeds of such forfeiture to be paid into the city treasury for the use of said city; said Police Justice shall also be a conservator of the peace and may hear and dispose of any offense committed against the criminal laws of this State within the said City; and as to criminal offenses against the laws of the State, he may exercise all power conferred by law upon justices of the peace, and from his decision in matters against the criminal laws of this State, appeals may be had as in like cases before justices of the peace. Any person who shall be guilty of any contempt of said court, such court shall have all such powers as are usually incident to courts of like character, or necessary to carry out the full purposes and objects of this act.

(b) The Board of Mayor and Selectmen shall appoint or elect a Police Justice and

Section 2. The amendment herein made shall be and become effective upon the adoption thereof and the granting of the amendment by the Governor of the State of Mississippi.

Section 3. The amendment to the Charter of the City of West Point, proposed and made herein, shall be published in the Daily Times Leader, a newspaper published and having a general circulation in the City of West Point, a legal newspaper, once each week for three (3) consecutive weeks, after which, the amendment shall be submitted to the Governor of the State of Mississippi for approval as is provided by law, unless ten (10) percentum of the qualified electors of the City of West Point shall protest the granting of said amendment before the Governor shall approve the amendment.

Selectman C. P. Winters moved the adoption of the resolution, which was seconded by Selectman A. J. Pearson, and the motion was put with the following vote:

Selectman C. P. Winters voted Yea,
Selectman T. K. Wilkey voted Yea,
Selectman A. J. Pearson voted Yea,
Selectman Joe Ruble voted Yea,
Selectman M. I. Miller voted Yea.

Whereupon, the Mayor declared the Resolution adopted on this the 12th day of January, 1960.

/s/ R. B. Marshall
Mayor.

/s/ Mildred W. Calvert
Clerk.

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CHARTER OF THE CITY OF WEST POINT,

MISSISSIPPI, AS AMENDED, 1946

The Charter of the City of West Point was consolidated by an act of the Legislature of 1892 being Chapter 148 of the Laws of 1892 entitled: "An act to amend and consolidate the acts incorporating the City of West Point and the several acts amendatory thereof" which was approved on March 23, 1892.

CHARTER OF CITY, AMENDMENTS THERETO, LEGISLATIVE

ENABLING ACTS AND CODE OF LAWS OF WEST POINT, MISSISSIPPI.

CHAPTER I

Charter of City of West Point

Section 1. Be it enacted by the Legislature of the State of Mississippi, That the portion of territory in Clay County, Mississippi, embraced in Section fourteen (14); east half of Section fifteen (15); southeast quarter of Section ten (10); and the south half of section eleven (11); all in township seventeen (17, range six (6) east, shall hereafter be known and designated by the name of the "City of West Point" and the officers designated and their successors forever be and they are hereby created a body politic and corporate with, perpetual succession, and by that name may sue and be sued, plead and be impleaded in any court of law or equity; may contract and be contracted with; may acquire by purchase or otherwise and hold real, personal and mixed property and may sell and dispose of the same; may have and use a common seal, and have all the powers, rights and privileges usually appertaining to bodies corporate and politic of like character, as well as those rights and privileges herein expressly conferred. (The boundaries have been changed by Ordinance, which appears in the Code of the City)

Section 2. That the municipal government of said city shall be vested in a mayor and five selectmen and a marshal, and assessor and collector of taxes, a clerk and treasurer, and a city attorney. The mayor and selectmen and marshal, shall be biennially elected by the qualified electors of said city; the other officers herein mentioned, to be appointed by the mayor and selectmen, and to hold their term of office at the will of the said mayor and selectmen; the first election to be holden under this charter on the first Tuesday succeeding the first Monday in October, 1892, and the officers then elected shall enter upon the discharge of their duties on the first Monday in November following, and shall hold their offices two years, or until their successors are qualified. That until a general election is held, the present incumbents shall continue to hold the offices of mayor, marshal and selectmen. The mayor and selectmen shall, not less than fifteen days before each general election, cause public notice to be given in some city newspaper, and shall, before the day of election, appoint three freeholders of the qualified electors of the city, inspectors of election and a returning officer, all of whom shall be sworn to honestly and impartially perform their duties and make true returns of the election to be held by them, and all laws of the State now in force or hereafter enacted, providing for the punishment of officers of election for misconduct,

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shall apply to and be enforced against the inspector and returning officer herein mentioned. The election shall be by ballot and shall be held and conducted as the election for county and State officers are held, and the person receiving the highest number of votes shall be declared elected and they shall receive a certificate thereof from said inspectors which shall prima facie entitle them to the said office. All contests over and for the offices of mayor, marshal and selectmen, of this city, shall be conducted in the same way and in the same courts, that contests over the office of sheriff of the county shall be conducted under the general laws of the State.

Section 3. That all property owned and held by said city for the use and benefit thereof, shall be and remain exempt from taxation.

Section 4. That the mayor and selectmen shall have full power and authority to provide for the registration of all qualified voters of said city, and the city clerk is hereby required to register all the proper parties as hereinafter provided in a book to be kept for that purpose whenever the mayor and selectmen shall so order, not less than three months before a general election, and said clerk shall have power to administer oaths, and to determine whether any person offering to register is a qualified voter, and no person shall be permitted to vote who is not registered in the manner provided by said mayor and selectmen, and also as provided by the general laws of this State.

Section 5: That there shall be, and is hereby established in said city of West Point, a court to be known as "the Mayor's Court of the City of West Point," to be held and presided over by the mayor of said city; said court may be held every day (except Sundays) or as often as the interests of said city may require; said mayor shall have jurisdiction to hear and determine all alleged violations of the ordinances of said city, whether such be also punishable as an offense against the State or not, and to fix and adjudge the punishment of all persons by him found guilty of such violation of city ordinances, by fine or imprisonment, or by both such fine and imprisonment, within the limits fixed by the ordinances of said city, and to cause all orders, judgments and sentences, of said court to be executed either by the city marshal or any police officer of the city, or by the sheriff or any constable of the county of Clay; he may, issue all process which may be necessary to procure the attendance of parties, witnesses or others, and cause the same to be executed by any of the officers aforesaid; may administer oaths and take all necessary bonds or recognizance in sums not exceeding one hundred and fifty dollars, with such sureties as he may deem necessary to insure the appearance of parties and witnesses, and may proceed on such bond or recognizance in case of forfeiture as in like cases before Justices of the peace, the proceeds of such forfeiture to be paid into the city treasury for the use of said city; said mayor shall also be a conservator of the peace and may hear and dispose of any offense committed against the criminal laws of this State within the said city; and as to criminal offenses against the laws of the State, he may exercise all power conferred by law upon Justices of the peace, and from his decision in matters against the criminal laws of this State, appeals may be had as in like cases before Justices of the peace. Any person who shall be guilty of any contempt of said court, such court shall have all such powers as are usually incident to courts of like character, or necessary to carry out the full purposes and objects of this act.

(Amended 12th day of May, 1934 and recorded in Record of Municipalities, Book No. 4, pages 42-43, office of Secretary of State)

Section 6. That any person who shall be convicted by said mayor for the violation of any ordinances of said city, shall be entitled to an appeal to the circuit court of said county,

upon giving bond with security, to be approved of by said mayor, payable to the "city of West Point", in a penalty not exceeding two hundred dollars, conditioned for the appearance of the appellant at the next term of the circuit court, and for the payment of such judgment as such circuit court may render against him, and such appeal and bond shall operate as a supersedeas from the time of giving such bond.

Section 7. That appeals to the circuit court shall be tried as appeals from justices of the peace in criminal cases are tried and upon conviction said circuit court shall render judgment in favor of the city for the amount of the fine, which judgment shall be against the appellant and the sureties on his appeal bond, and if the judgment of the circuit court, shall be that the appellant be imprisoned, the circuit court shall order the appellant to be delivered by the sheriff of said county to the city marshal or some police officer of said city, to be imprisoned according to such judgment.

Section 8. That if such appellant shall fail to appear in the circuit court according to the condition of his bond, a forfeiture shall be entered and enforced as in criminal cases in said court, which forfeiture shall be for the benefit of said city, and the proceeds shall be paid the proper authorities thereof.

Section 9. That the mayor of said city shall be its chief executive officer, and shall have all the powers, and perform all the duties usually incident thereto. He shall have authority to call meetings of the selectmen whenever he may deem it necessary for the public interest, and shall preside at all meetings of said selectmen at which he shall be present, and when there shall be an equal division in the selectmen, he shall give the casting vote. The mayor shall see that all ordinances, rules and regulations for the government of said city are faithfully executed; he shall lay before the selectmen from time to time such matters as he may deem the welfare of the city requires; he shall have the power to fine any member of said selectmen not exceeding five dollars for improper or disorderly conduct at any meeting thereof; he shall have power to veto or disprove any ordinance, rule or order adopted by said selectmen, whenever he may deem the same inconsistent with this act, or against the interest of the city, and in such case such ordinance, rule or order shall not go into effect or be valid unless again adopted by said selectmen; he shall have power to punish by fine, not exceeding fifty dollars, or imprisonment not exceeding twenty-four hours, any person or persons for any improper conduct in the presence or for any disturbance of said selectmen; he shall have power, whenever he thinks the public welfare requires, to temporarily increase the police force by appointing additional policemen, and he may suspend from duty any policeman whenever he thinks it necessary, reporting such appointment or suspension, with his reason therefor, to the selectmen at their first meeting; and if the appointment or suspension is concurred

in by a majority of the selectmen, it shall be entered upon their minutes and shall be final; and if not concurred in as above provided, the appointment or suspension shall then end. In the absence of the mayor at any meeting of the selectmen one of their number shall preside.

Section 10. That in case the mayor or marshal of said city or any selectmen shall ~~shall~~ die, or resign, or remove beyond the limits of the city, or if said mayor or marshal or any selectmen shall accept any other office in the State, the office of such mayor, marshal or selectman shall thereby become vacant, and the selectmen shall at once cause an election to be held by the qualified voters of the city to fill such vacancy, which election shall be conducted as other elections herein provided for, and the person elected shall be entitled to hold the office to which he is elected for the balance of the unexpired term of the officer so dying, resigning, removing or becoming disqualified; provided, that if any such vacancy shall occur within one

month before the time fixed by this act for the election of said mayor, marshal and selectmen they shall not order a special election to fill such vacancy.

Section 11. That there shall be appointed by the said mayor and selectmen, (from among the qualified electors of said City) an assessor and collector of taxes, and a clerk and treasurer, for said city, and a sufficient number of police to preserve the peace, keep good order and enforce the ordinances of the city, and the said mayor and selectmen shall prescribe the duties of said officers, except as fixed by this act, and fix their compensation and change the same as they may see fit, except as herein provided. The mayor and marshal shall each enter into bond (in addition to the bond required of the mayor as ex-officio justice of the peace, and the marshal as ex-officio a constable of the county) in the penalty of one thousand dollars, payable to the "City of West Point," and conditioned as the bond of county officers. They may also require any and all officers appointed by them to enter into bond in such sum and with such sureties as they shall designate, payable to the "City of West Point", conditioned as the mayor's bond, and suit may be instituted on any of the bonds provided for in this section, for breach thereof, in any court of competent jurisdiction. All the officers of said city shall take the oath of office prescribed by the constitution of the State of Mississippi for justices of the peace; that the salaries of the Mayor and Marshal be fixed annually by the selectmen and made payable monthly out of the City Treasury, but said Mayor and Marshal shall not be entitled to any fees or commissions for the collection of monies due to the City or as costs allowed under the general laws of the State in criminal cases, but said costs and fees shall be collected and paid into the City Treasury and shall be accounted for in the same manner that fines due the City of West Point are accounted for. (Amended 14th day of December, 1933 and recorded in Record of Municipalities, Book No.4, pages 26 and 27, office of Secretary of State)

Section 12. That the City Marshal shall have such authority and power in any part of Clay County as are now conferred on constables, or which may be hereafter so conferred on constables by the laws of this State, and he shall be liable to the same penalties as a constable for all neglect of duty or failure to pay over money so collected, and said Marshal shall be the collector of all fines, and such monies due, owing and payable to the City as he may be directed to collect by ordinances of said City, except taxes; said city marshal and the police officers of said city shall execute all ordinances, rules and regulations adopted by the board of mayor and selectmen, and shall execute all process and obey all orders issued by the mayor of said city, said city marshal shall have general superintendence of the police and of the city prison, and perform all duties required of him by said mayor and selectmen.

(Amended 16th day of December, 1933 and recorded in Record of Municipalities, Book No.4, pages 27 and 28, Office of Secretary of State)

Section 13. That the city marshal and all police officers of said city shall have power to arrest all violators of the ordinances of said city, with or without warrant, and take them before the mayor for trial, and should the mayor's court not be in session, person so arrested may be held until they can be brought before said mayor, not exceeding twenty-four hours, except that said person may be held from Saturday until Monday; all police officers of the city shall have all the authority conferred by law upon any officer to make arrests for violation of the criminal laws of this State, or to prevent such violation, and no officer, who, in the discharge of his duty, shall make an arrest authorized by this act, or by an ordinance of said city, shall be liable on account thereof, civilly or criminally, notwithstanding it may turn out that the party arrested was innocent of any offense. Nor shall said city or said mayor and selectmen

be in any way liable therefor, and any police officer of said city may pursue any offender against any ordinance of said city or the criminal laws of this State, beyond the limits of said city and take them back to said city for trial.

Section 14. That all ordinances adopted by said mayor and selectmen for the government of said city, or which are required to be observed under penalty, shall take effect ten days after the adoption thereof, unless otherwise ordered by said mayor and selectmen.

Section 15. That all ordinances, rules and regulations adopted by said mayor and selectmen, or by the board of health of said city, and all the records and proceedings of the mayor's court, shall be deemed and held as public record, and copies thereof published by the authority of said mayor and selectmen, or certified by the mayor/clerk of said city, to be true copies, shall be received as evidence in all the courts of this State.

Section 16. That said mayor and selectmen shall have full power and authority to require the owner of any lot adjacent to any public street or highway, to construct, repair and keep in order, at the expense of such owner, a smooth, dry and firm sidewalk or pavement, of such width and of such materials as shall be prescribed by said mayor and selectmen, adjacent to the lot or premises of such owner; or to construct, repair and keep in order, such sewers, gutters, drain or ditches, as shall be necessary to drain such lot; and said mayor and selectmen shall give notice to such owners in writing to construct or repair such walk, pavement, sewer, gutter, ditch or drain, within reasonable time to be fixed in such notice, and in case of a failure to comply with such requirements, said mayor and selectmen may cause such work to be done at the expense of such lot owner, and the cost thereof shall be a lien upon such lot; suit may be brought for the amount of such cost before any court having jurisdiction of the amount, or before the mayor where the amount of such cost is less than two hundred dollars; the proceedings before said mayor shall be conducted as in case before a justice of the peace, and the judgment of the court in case it finds for the city, shall condemn the lot upon which such cost is a lien, to be sold by the proper officer to pay such judgment and costs. Either party may appeal to the circuit court; provided, the lot owner shall give an appeal bond as in cases before a justice of the peace.

Section 17: That whenever in the discretion of said mayor and selectmen, it shall be necessary to have any street, sidewalk or highway opened, widened, extended, graded, leveled, gravelled, paved or otherwise improved, they may determine whether the same shall be done at the expense of the city, or at the expense of the owners of the lots or premises abutting or adjoining such street, sidewalk or highway, or benefited by such improvement; and said mayor and selectmen may require such work to be done by its officers or under their supervision; such officer shall report the cost thereof to the mayor, who shall issue to each person owning property subject to be assessed notice to appear at a meeting of the mayor and selectmen to be held in not less than five days after such notice is served, and show cause why the report of the officer as to the costs of such work should not be confirmed and their respective lot assessed. Said mayor and selectmen shall hear and determine all objection to such report, and all objections to the assessment, and shall fix the amount of the costs and expense to be assessed to the property owned by the respective owner, which shall be in proportion to the respective value of the lot or lots, to be assessed as such value appears on the tax books of said city; and if the amount so fixed is not paid within ten days after such assessment, the amount thereof shall be added to the amount of taxes

assessed against such property and be collected at the same time and in the same manner in all respects as other taxes assessed against such property is collected, such tax shall be a lien as other taxes, and all the provisions of this act in reference to sale for taxes shall apply to the taxes provided for in this section; said mayor and selectmen may in like manner assess the property in particular locality for the purpose of supplying such locality with light or sewers or for the purpose of draining such locality.

Section 18. That in the same manner that the officers are appointed by the said mayor and selectmen, they shall appoint a city attorney, who shall represent the city in all civil matters in the courts, and shall receive compensation therefor as shall be agreed upon between him and the mayor and selectmen, or they may employ other attorneys to represent the city; he shall also represent the State and city in all cases before the city mayor for the violation of any State law or city ordinance, and shall receive for his services as prosecuting officer, five dollars in each case when a conviction is had either by a plea of guilty or by a trial, which fee shall be collected from the defendant as other costs are collected; said attorney shall render to the mayor and selectmen an opinion in writing upon any questions affecting the interest of the city, whenever requested so to do by the mayor or two of the selectmen.

Section 19. That the Mayor and Selectmen of said city shall have power by ordinance;

First: Annually to levy and cause to be collected, taxes on every description of property whatsoever, whether real, personal or mixed, including shares of the capital stock of all banking institutions, except such property as is exempt from taxation by the general laws of the State of Mississippi, for the purpose of defraying the general expenses of the government of said city.

Amended 19th day of July, 1933, and recorded in Record of Municipalities, Book No. 4, page 16, office of Secretary of State.

Second: To provide for and prescribe the mode of assessing the taxable property in said City and fix the time when such assessment shall be made and completed, and require, by ordinance, all persons, who reside in said City to furnish a list of their taxable property to the Assessor, under oath, which oath the Tax Assessor is authorized to administer, and may provide, by ordinance for the punishment of a neglect or refusal to furnish such list, by a fine not exceeding one hundred (\$100.00) dollars or imprisonment not exceeding thirty (30) days, or both; that land shall be assessed for ad valorem taxation for the year, 1933, and every two years thereafter; that personal property shall be assessed for ad valorem taxation for the year, 1933, and every year thereafter; that taxes assessed shall be a lien upon and bind the property assessed from the first day of January of the year in which the assessment shall be made.

Amended 19th day of July, 1933, and recorded in Record of Municipalities, Book No. 4, page 16, office of Secretary of State.

Third: To fix some day, not less than thirty days after the time fixed for the completion of such assessment, to hear objections to the assessments, which objections shall be made in writing, and to examine the same, and to give notice, by publication in some newspaper published in said city, or by posting notices in three or more public places in said city, of the time and place fixed for such hearing and examination, and at such time and place they shall hear all objections, and shall have power to approve, change or correct, increase or diminish such assessment as shall be proper to show, as near as may be, the property taxable to each person and the value thereof, and to equalize the assessment; and when the assessment roll shall have been examined and corrected by the mayor and selectmen, it shall be conclusive and final as to the assessment contained therein.

Fourth: To prescribe the time when said City Tax Collector shall begin to collect the taxes levied by them and within what time all such taxes shall be paid, with power to extend the same; to prescribe, in the discretion of the Board of Mayor and Selectmen, that taxes shall be paid in one sum at one time or that taxes may be paid in not more than four installments, and if paid in installments, to fix the time when said installments shall become due and what portion or percentage of the taxes will be paid in each installment and to fix a rate of interest to be paid on the taxes paid in installments; to provide when such taxes shall become delinquent and to fix penalties for failure to pay such taxes when due; that all taxes not paid on or before the day fixed by the Board of Mayor and Selectmen as the limit within which taxes shall be paid, shall be collected by the City Tax Collector by distress and sale of any personal property liable therefor and by the sale of real estate liable therefor in the manner and as is provided by this charter and the general laws of the State of Mississippi.

Amended 19th day of July, 1933, and recorded in Record of Municipalities, Book No.4, page 16, Office of Secretary of State.

Fourth (a) That the Board of Mayor and Selectmen shall have the power by ordinance to provide for the payment of the annual installments of special street improvement assessments in installments, said installments to be made due and payable at the same time installments of ad valorem taxes are due and payable or to provide that special street improvement assessments shall be payable at one time in one sum, the time for said payment to be the same time that the ad valorem taxes of the City are due and payable or on one of the dates fixed for the installment payments of ad valorem taxes.

Amended 19th day of July, 1933, and recorded in Record of Municipalities, Book No.4, page 16, Office of Secretary of State.

Fifth: To provide that an additional sum, not exceeding ten percent of the amount of taxes assessed against any individual or property shall be collected in addition to the amount of the taxes due, as a penalty for not paying taxes within the time fixed by said mayor and selectmen, which additional sum shall be collected as the amount due for taxes is collected; and no property shall be exempt from distress or sale for the taxes or damages aforesaid.

Sixth: To provide the time when any real estate in said city shall be sold for the non-payment of taxes on such property, or for any other taxes due from the owner of such real estate, not less than twenty (20) days after the time within which taxes are required by said mayor and selectmen to be paid shall have expired, and at the time fixed by said mayor and selectmen if the taxes and such damages as shall have been fixed by said mayor and selectmen shall remain unpaid, the city collector shall proceed to sell the real estate of such delinquent tax payer, or so much and such parts thereof as will pay the amount of taxes due by him and all damages fixed as aforesaid, and all cost and charges, to the highest bidder for cash; such sale shall be at the office of the mayor of said city and shall be advertised at least ten (10) days before making such sale, by publication in any newspaper published in said city or by written or printed posters posted in three or more public places in said city, and said sale may be continued from day to day, within the hours of sheriff's sales, until completed; the said collector shall make to the purchaser at such sale a deed of conveyance substantially like the deed prescribed by the general laws of Mississippi to be made by tax collectors of State and county taxes, and such conveyance shall vest in the purchaser or purchasers a perfect title to the property sold for taxes, damages or costs, subject to the right of redemption, and such conveyance shall be prime facie evidence in all courts that the assessment and sale of the property was legal and valid; and such conveyance shall only be invalidated for the same causes or grounds that a State and county tax collector's conveyance may be; such conveyance shall be left by the city with the treasurer of said city, where it shall remain for two years from the day of sale, during which time any person interested

may redeem the same by paying the amount for which said property was sold, with twenty-five percent damages for the benefit of the purchaser. In case the same is not redeemed within the time above mentioned, the title in the property shall vest absolutely in the purchaser, and the treasurer shall deliver such conveyance to the purchaser; and in case the property is struck off to the city of West Point, which the collector shall do in case the full amount of taxes, damages and costs is not bid and paid, the title to the property on failure to redeem shall vest absolutely in the city, and the same may be used, disposed of or conveyed as the mayor and selectmen shall, by ordinance or resolution, direct. If sufficient real estate or personal property can not be found of which to levy and collect the taxes assessed to any person, and not paid, the city collector shall have all the powers conferred on the collector of State and county taxes, to sell any indebtedness owing to the person liable for such taxes, and the city of West Point, or its vendees, or any purchaser, at any sale for city taxes, shall have all the rights, liens, protections and remedies given by law to the State, or its vendees, or to any purchaser at a sale for State and county taxes.

Seventh: To levy and collect taxes on all privileges taxable by the laws of this State and upon the privilege of carrying on, engaging in or practicing any other trade, business or profession, occupation or calling in said city, and to license, tax and regulate every profession, trade, occupation, business calling or means of living, as well as the capital invested or used therein which may be practiced, engaged in or followed by any person or persons in said city, and for good cause to revoke such license; provided, that the taxes imposed upon privileges which are taxed by the laws of this State shall not exceed fifty percent of the State tax on the same privilege, and they may provide the mode of collecting any tax or license imposed by them and may punish the carrying on or engaging in or practicing any business, trade or occupation, so taxed without having first paid the tax or license imposed, either by fine, not exceeding double the amount of such tax, or imprisonment, or both, and may provide that each day that such ordinance is violated, shall be a new and separate offense and punishable as aforesaid; and all contracts made with any person with reference to any business upon which a privilege tax is imposed, and has not been paid, shall be void so far only as the person carrying on such business without paying such tax shall base any claims upon them.

Eighth: To license and tax transient vendors, traders, peddlers or dealers, and to fix the amount they shall pay for the privilege of selling their wares or carrying on their trade or business in said city; and may levy and collect in addition thereto, a tax upon the gross amount of their sales not exceeding one per cent; and may provide the mode of collection of said tax and license by distress and sale, or otherwise. And the mayor and selectmen shall have all the powers conferred by the general laws of this State, upon the officers named therein, for the collection of such license and tax.

Ninth: To levy a uniform tax on all foreign corporations including insurance, building and loan companies, and accident insurance, express and telegraph companies, as a condition upon which they may do business in said city, and to punish all persons who shall represent such corporations for carrying on the business of such corporation without paying such tax in the manner hereinbefore provided for, the new payment of taxes or privileges.

Tenth: To appropriate money and provide for the payment of the expenses of said city for the purposes authorized by this act, and as may be required for the maintenance thereof, or for any purpose for which they may lawfully expend money.

Eleventh: To organize and establish a fire department; to organize fire companies, and to provide in all respects for the equipment and government of the same; to punish any interference with such department or its officers when on duty, and all active members of the fire department of said city shall be exempt from street tax and jury duty.

Twelfth: To establish fire limits, and to prevent, regulate or restrain the erection of wooden buildings or additions thereto, within such limits.

Thirteenth: To regulate and prevent the carrying on of manufactures or other business dangerous in causing or producing fires in the business part of the city.

Fourteenth: To regulate and prevent the storage of cotton, hay, gunpowder, oil or any other combustible, explosive or inflammable material or substance, offensive to public comfort or injurious to health.

Fifteenth: To provide the city with water for the use of a fire department and the citizens by water works within or beyond the boundaries of said city and in such manner as they may deem best, to build or construct all necessary reservoirs, cisterns, hydrants or other structures they may deem necessary, and to do all acts necessary or convenient to accomplish the purpose aforesaid, including the power to borrow money and issue the negotiable bonds of said city to an amount not to exceed \$20,000.00 maturing not later than twenty years from the date of their issue, and bearing interest at the rate not exceeding seven percent per annum, payable annually or semi-annually as said mayor and selectmen may elect.

(Amended 25th day of February, 1897 and recorded in the Proclamation of Towns Book 1, page 246, in office of Secretary of State)

Sixteenth: To establish or erect a market house or houses, in the public streets or elsewhere, and to regulate the same; to fix the amount to be paid for the use of such market, or parts thereof.

Seventeenth: To regulate or forbid the hawking or selling at retail of meats, vegetables or other marketable articles at other places.

Eighteenth: To provide, by ordinance, for the inspection, weighing or measuring of marketable articles offered for sale in said city, and appoint an inspector who shall have full power under this clause to protect the city and its inhabitants in the matter of weights, measures and marketable articles.

Nineteenth: To pass any ordinance necessary or proper to prevent the sale of unfit commodities, and to insure proper conduct in those who sell any kind of provisions or marketable articles or commodities in said city.

Twentieth: To establish a board of health to be composed of the mayor, two physicians, one attorney-at-law and one merchant, who shall serve without compensation. The term of office of each member of said board, except the mayor, shall expire on the first of February of each year; said mayor and selectmen shall have power to invest said board of health with all necessary powers to preserve and protect the health of said city; to make all necessary regulation to prevent the introduction of contagious infectious or testifential diseases into said city; to make quarantine laws and enforce the same within two (2) miles of said city; to establish hospitals and make regulations for the government thereof; and said mayor and selectmen may provide for the punishment of any person violating any ordinance of said city authorized in this section or any rule, or order of said board of health by fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both, such fine and imprisonment and such violation shall also be an offense against this State as provided by general law.

Amended 21st day of March 1907 and recorded in Proclamation of Towns, Book No.2 page 121, office of Secretary of State.

Twenty-first: To declare what shall constitute a nuisance in said city and to prohibit, prevent and abate the same, and any act done, or structure or thing erected, or suffered, after it has been declared by said mayor and selectmen to be a nuisance is hereby declared to be such nuisance and shall be held and so considered by all the courts of this State as fully as if such act, thing or structure were herein expressly named and prohibited, and said mayor and selectmen shall have full power and authority to provide for the punishment by fine or imprisonment, or both, of any person who shall create or allow any nuisance, or who shall fail or refuse to remove or abate the same upon such notice as said mayor and selectmen shall, by ordinance prescribe and may provide that each day's continuance shall constitute a new and separate offense and punish the same accordingly; and said mayor and selectmen shall have full power and authority to provide, by ordinance, how any nuisance shall be removed or abated and by what officers.

Twenty-second: To authorize and require such officers to enter any enclosure or upon any premises, or into any house, railroad car or other vehicle, for the purpose of abating or removing any nuisance, or to carry out any order of said mayor and selectmen or the board of health.

Twenty-third: To prevent or regulate the running at large of animals of all kinds, including geese, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such regulations and the expense of impounding and keeping and selling the same, and to regulate and provide for the taxing of owners and harborers of dogs, and to destroy dogs running at large; to provide for the erection of all needful pens, pounds and buildings for the use of the city within or without the city limits, and to appoint and confirm keepers thereof, and to establish and enforce rules governing the same.

Twenty-fourth: To license, tax and regulate all hacks, carriages, omnibuses, carts, wagons, drays and other vehicles employed within the corporate limits, and provide the rates to be paid for the use of public vehicles within the city, and to regulate the speed of vehicles and horses in the city.

Twenty-fifth: To prohibit and suppress gaming and gaming houses and all disorderly and bawdy houses, or any house, or business, or conduct against good morals, or the good order of said city, and to punish the keepers, or proprietors of such houses, or persons who shall carry on such business, and to prohibit the letting or renting of any house, room or tenement, for any of the purposes aforesaid, or with knowledge that the same is to be so used.

Twenty-sixth: To provide for the seizure and destruction of any gaming implements, tables or paraphernalia.

Twenty-seventh: To restrain and punish gamblers, vagrants, mendicants, beggars, prostitutes and their associates.

Twenty-eighth: To open, alter, abolish, widen, extend, grade, pave, gravel, macadamize, or otherwise improve, clean and keep in repair streets, alleys and sidewalks, or to have the same done as provided by this act.

To issue bonds or warrants bearing interest at a rate not exceeding 6% per annum and payable on such terms and at such times as the Board of Mayor and Selectmen may determine, not exceeding \$20,000.00 for the purpose of grading, graveling and macadamizing the streets within the fire limits of said city, and such other streets in said city as the board of Mayor and Selectmen may determine by ordinance; and to make annually such levy of taxes as may be necessary to pay the interest on said bonds, and to raise a sinking fund for the payment of the principal thereof; and two thirds of the amount so expended shall be a lien on the lots or realty abutting on

or adjoining the side walks of said streets; and said abutting owners shall pay to the city tax collector two-thirds of the cost of grading, macadamizing and graveling said streets; that is to say that each abutting owner on each side shall pay one third the cost of grading, graveling and macadamizing that part of the street adjoining his lot, in ten equal annual installments with interest thereon at 6% per annum; and a tax sufficient to pay each installment and interest shall be levied and collected from said owners at the same time and in the same manner as other taxes.

(Amended 17th day of July, 1909 and recorded in Book of Incorporations, Nook No. 2 page 184, office of Secretary of State)

The Mayor and Selectmen have power by ordinance to issue bonds or warrants bearing interest not exceeding 6% per annum and payable upon such terms and at such times as the Board may determine not exceeding \$7,000.00 for the purpose of grading, graveling and macadamizing east Main Street from the track of the M. & O. R.R. east to the line of J. M. Hardison residence lot and to make annually such levy of taxes as may be necessary to pay the annual interest on said bonds and to pay such part of the principal as may be provided for in said bonds and two-thirds of the amount so expended shall be a lien on the lots or realty abutting on or adjoining the sidewalk of said street and said abutting owners shall pay to the City tax collector two-thirds of the grading and graveling and macadamizing of said street, that is to say, that each abutting owner on each side shall pay one-third of the cost of said grading, graveling and macadamizing of that part of the said street on which his lot abuts, in seven equal annual installments with interest thereon, at 6% per annum, and a tax sufficient to pay each installment and interest shall be levied and collected annually from said owner, at the same time and in the same manner as other taxes.

(Amended December 30, 1911 and recorded in Book Record of Municipalities, Book No.2 page 237, office of Secretary of State)

The Mayor and Selectmen have power by ordinance to issue bonds or warrants bearing interest not exceeding 6% per annum and payable upon such terms and at such times as the Board may determine, not exceeding \$7,000.00 for the purpose of grading, graveling and macadamizing East Main Street from the track of the Mobile & Ohio Railroad east to the east line of J. M. Hardison's residence lot, and to make annually such levy of taxes as may be necessary to pay the annual interest on said bonds and to pay such part of the principal as may be provided for in said bonds; and two-thirds of the amount so expended shall be a lien on the lots or realty abutting on or adjoining the sidewalk of said street, the said abutting owners shall pay to the City Tax Collector two thirds of the grading, graveling and macadamizing of that part of said street on which the lot abuts, in seven equal annual installments with interest thereon at 5-3/4% per annum and a tax sufficient to pay each installment and interest shall be levied and collected annually from said owners at the same time and in the same manner as other taxes.

(Amended 11th day of October, 1912, and recorded in Book of Municipal Incorporations, Book No.2, page 256, office of Secretary of State)

To issue bonds or warrants bearing interest not exceeding 6 per cent, interest per annum, and payable upon such terms and at such times as the Board may determine, not exceeding \$7,000.00, for the purpose of grading, graveling and macadamizing East Main Street from the track of the Mobile & Ohio Railroad, East, to the east line of J. M. Hardison's residence lot, and to make annually such levy of taxes as may be necessary to pay the annual interest on said bonds, and to pay such part of the principal as may be provided for in said bonds; and two thirds of the amount so expended shall be a lien on

the lots or realty abutting on or adjoining the sidewalks of said street; and said abutting owners shall pay to the City Tax Collector two thirds of the grading, graveling and macadamizing of said Street; that is to say that each abutting owner on each side shall pay one third the cost of said grading, graveling and macadamizing of that part of said Street on which his lots abut, in seven equal annual installments, with interest thereon at 5-3/4 per cent, per annum, and a tax sufficient to pay each installment and interest shall be levied and collected annually from said owners at the same time and in the same manner as other taxes.

(Amended 30th day of October, 1912, and recorded in Book of Municipal Incorporations, Book No. 2 page 259, office of Secretary of State)

Twenty-ninth: To establish, construct, repair and keep in order, bridges, culverts, sewers and gutters.

Thirtieth: To exercise, control and supervise over all streets, alleys, sidewalks, bridges, culverts, sewers and gutters, and regulate the use thereof.

Thirty-first: To prevent and remove obstructions therefrom, and to punish the obstructing or incumbering thereof, and to prevent and punish any encroachment upon such streets, alleys, walks or public grounds.

Thirty-second: To fix and establish a grade or level for the street walks and alleys, and bring them to such a level or grade, and require such level or grade to be observed and conformed to.

Thirty-third: To require all male inhabitants of said city between the ages of eighteen (18) and fifty (50) years (except active members of the fire department of said city and persons who have been active members of such department for a continuous period of ten years, and such other persons as are exempt by law from street or road duty) to work and labor on the public streets, sidewalks and alleys of said city, not exceeding six (6) days of each year, or to require the payment of a sum not exceeding five (5) dollars in lieu thereof, and to punish by fine or imprisonment, or both, any failure or refusal to perform such labor upon notice so to do.

Thirty-fourth: To adopt ordinances requiring all male persons who shall have been convicted of violating any ordinance of said city, and who shall have been sentenced to imprisonment therefor, or who shall fail to pay the fine and costs imposed upon him for such violation to work upon the public streets or other public works of said city, and to enforce such ordinances, and all such persons shall be entitled to a commutation of the sentence of imprisonment on account of such work, at the rate to two (2) days of sentence for each day of work, and shall be allowed one-half dollar per day for each day's work, to be credited on the amount of the fine and costs imposed upon them as aforesaid.

Thirty-fifth: To provide that the violation of any ordinances necessary or expedient to carry out the powers conferred by this act, and any and all other ordinances, rules and regulations which they may deem necessary or expedient for the interest and good government of said city, and to insure the peace, good order and welfare thereof, shall be punished; and to carry out and accomplish the objects of this incorporation not contrary to the Constitution of the State or of the United States.

Thirty-sixth: To provide that the violation of any ordinance adopted by them shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty

days, or by both, such fine and imprisonment, except in cases where the penalties are prescribed in this act, whether the act prohibited, or the non-performance of the duty required by such ordinances is punishable as an offense against the laws of this State or not, and said mayor and selectmen may provide in all cases that the person fined shall be imprisoned until such fine and costs are paid, and no property shall be exempt from sale for any fine and costs imposed by the mayor.

(Amended December 6th, 1940 and recorded in the Record of Municipalities Book No.4, pages 94-95, in office of Secretary of State)

Thirty-seventh: To issue bonds or warrants bearing interest at a rate not exceeding six per cent per annum and payable on such terms and at such time as the board of mayor and selectmen may determine, not exceeding \$30,000, for the purpose of erecting a school house and to repair the present school building and to make annually such levy of taxes as may be necessary to pay the interest on the said bonds or warrants and to raise a sinking fund for the payment of the principal of the same.

(Amended 26th day of September, 1906, and recorded in Proclamation of Towns Book No. 2 at page 107, office of Secretary of State)

Thirty-eighth: To adopt all ordinances prohibiting within the corporate limits the commission of any act which amounts to a misdemeanor under the laws of the State and to prescribe the penalty therefor, not exceeding the penalty prescribed by the State laws for the commission of the same offense against the State.

(Amended 21st day of March, 1907, and recorded in The Proclamation of Towns Book 2, page 121, Office of Secretary of State)

Thirty-ninth: To issue bonds or warrants bearing interest at a rate not exceeding six per cent per annum and payable on such terms and at such time as the Board of Mayor and Selectmen may determine, not exceeding \$17500.00 for the purpose of erecting a city hall and furnishing same, and to make annually such levy of taxes as may be necessary to pay the interest on said bonds and to raise a sinking fund for the payment of the principal of the same.

(Amended 29th day of May, 1909, and recorded in Proclamation of Towns Book 2, page 174, office of Secretary of State)

Fortieth: To issue bonds or Warrants bearing interest at a rate not exceeding 6% per annum, and payable on such terms and at such time as the Board of Mayor and Selectmen may determine not exceeding \$7000 for the purpose of erecting and furnishing a Public School House for the colored school children of said city, and to make annually such levy of taxes as may be necessary to pay the interest on said bonds and to raise a sinking fund for the payment of the principal of the same.

Amended 17th day of July, 1909, and recorded in the Book of Incorporations No. 2, page 184, office of Secretary of State.)

Section 20: That whenever it shall become necessary or expedient in the discretion of said Mayor and Selectmen, to lay out, alter or extend any public street, alley, highway or road, within the limits of said city, if any objections be made thereto by the owner or owners of the land or property, through which, or over which such street, alley, highway or road will pass, or it shall become necessary or expedient to take, use or occupy any ground or property in said city, for the obtaining of water, or the laying of pipe, or for public parks, or for draining said city, or for any public use whatever, the said Mayor and Selectmen shall endeavor to purchase and pay for the same a reasonable price or agree with the owner or owners of such property on the amount to be paid for such property, or for the use or occupation thereof; but if they can not agree with the owner or owners thereof, or the guardian

of minors, then it shall be lawful for the Judge of the Circuit Court of Clay County, either in term time or vacation, upon petition of said Mayor and Selectmen, to issue his order to the Clerk of said Circuit Court, directing him to issue a writ of ad quod damnum, to be directed to the sheriff of Clay County, commanding him to summon a jury of twelve disinterested citizens of his County, not less than fifteen (15) days from the time of issuing said writ to go upon the grounds sought to be converted to public purposes and assess the damages and just compensation which should be paid to the owner or owners of such grounds and at the same time to summon the owner or owners or his, or her, or their legal representative, or agent, by personal notice, in writing, or by leaving a copy of such notice at the usual place of residence of the party, at least five days previous to the meeting of said jury; the said jury shall be sworn by the said Circuit Clerk, fairly and justly, to assess the damages accruing in each case, if any, to each party entitled thereto, according to their several interests or estate, and the verdict of said jury and the payment of the sum of money so awarded, or tendered, and refused thereof, shall be conclusive and binding upon the owner or owners, his, her or their heirs, executors, administrators and assigns, and the said grounds shall, from that date become the property of the city (if the purpose shall be to acquire such property) and said city shall have a right to use and occupy such property for the purpose for which it is so needed, in case the object should be only to acquire the use and occupancy thereof; the said sheriff shall return said writ with all proceedings had in accordance therewith, to the clerk of said court, to be recorded on the minutes at the next term thereafter, and such cost shall be allowed and paid for the services rendered by said officers by said city as are allowed by law for like services in other cases; either party to such proceedings shall have the right of appeal to the Supreme Court under such regulations as are prescribed by law for appeals in other cases from the Circuit Court, and the party against whom final judgment may be rendered in the superior Court shall pay all costs of the proceedings ab initio.

Section 20 (a) ASSESSOR MUST COPY ASSESSMENT OF STATE RAILROAD ASSESSORS.

The City assessment of all railroad, telephone and telegraph company property and franchises and of all property required by law to be assessed by the state railroad assessors, shall be made by the City Tax Assessor, by copying from the last assessment roll of said property and franchises required by law to be filed with the clerk of the Board of Supervisors of said county, and which has been so filed, all that part of the assessment of said railroad assessors pertaining and relating to such property or franchises situated within the corporate limits of the city of West Point, which copy, when so made, shall constitute a legal part of the city assessment roll, and all property and franchises thus assessed shall be liable to taxation as other property in said city included in the assessment, and the taxes on the assessment so copied shall be collected by the City Tax Collector at the same time and in the same manner as other city taxes.

BACK TAX ASSESSMENT BY STATE RAILROAD ASSESSORS

If said state railroad assessors should make any back tax assessment for former years of such property and franchises as they are required by law to assess, and which has escaped taxation in such former years, when said back tax assessment has been filed with said Chancery Clerk as required by law, said City Tax Assessor shall, without delay, copy into the city assessment roll said assessment from said roll so filed in said Chancery Clerk's office, so far as it applies to property and franchises within the city; which copy, when so made, shall constitute a legal assessment of said property and franchises for said back taxes, and all property and franchises thus assessed by said City Tax Assessor shall be liable to the city

for such back taxes for said former years, and the same shall be collected, as other back taxes are collected by the City Tax Collector.

And said property and franchises so included in the copies so made from general assessments or the back tax assessments of said state railroad assessors, shall be liable to all the provisions of law and of the charter and ordinances of the city, and amendments thereto as apply to other property in the city, which has been legally assessed for taxes or back taxes.

(Amended 23rd day of November, 1915 and recorded in the Book of Municipal Incorporations Number 2 at page 292, office of Secretary of State)

Section 21: That said mayor and selectmen shall as soon after the first day of January of each year as shall be practicable, cause to be published, a statement showing the financial condition of said city; such statement shall show the amounts received into the city treasury during the preceding twelve months and the sources from which the respective amounts were received; also the amount of the expenditures and disbursements made during the preceding twelve months, with names of the persons to whom such payments or disbursements were made, and the purpose or consideration of such payments or disbursements.

Section 22. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed, and this act take effect and be in force from and after its passage.
Approved March 23, 1892.

1. Persons and property having escaped taxation in former years, assessed

When the City Tax Assessor shall discover any persons or property, or credits or choses in action or money, that have escaped taxation in former years, he shall assess such persons or property, credits, choses in action and money for such former years, distinctly specifying the fact of such escape and discovery by him, on a page or pages of his assessment roll separate from the assessment for the current year; and such persons, credits, choses in action and money shall be taxed for said former years, and such assessment shall be dealt with and acted upon as other assessments.

2. Notice to Persons assessed for former years.

When the Assessor shall make such assessment for a former year or years, he shall give notice thereof, in writing, to the person assessed, or whose property, credits, choses in action or money are so assessed, if the persons be residents of the County of Clay, but want of such notice shall not invalidate such assessment, if the same be approved by the Board of Mayor and Selectmen of said City.

This amendment shall apply to the past as well as to the future.

The assessments provided for herein may be made at the time of the general assessments or at such other time as the Board may direct.

(This amendment granted 5th day of May, 1913, and is recorded in Record of Incorporations Book No. 18 at page 521, in office of Secretary of State)

The Mayor and Selectmen of the City of West Point, Mississippi have power by ordinance,

To establish, build, maintain and furnish a library for

public use and to regulate the use thereof by proper ordinances, in the city of West Point, Clay County, Mississippi.

To issue bonds or warrants bearing interest not exceeding 6 percentum interest per annum and payable upon such terms and at such times as the said Board may determine, not exceeding the sum of \$1000.00 for the purpose of buying a lot, building, establishing and furnishing a public library thereon, in the said city of West Point, and to make annually such levy of taxes as may be necessary to pay the annual interest on said bond, and to pay such part of the principal as may become due and payable respectively.

That the mayor and selectmen have the additional power by ordinance:

To levy a special tax and to collect the same, in the same manner and way as other taxes of said city are levied and collected, for the purpose of maintaining and regulating the use of said library and for the replenishment thereof with books, charts, maps, papers, periodicals, magazines, and publications as may be necessary.

(This amendment granted 11th day of February, 1913 and is recorded in Book of Incorporations, Book No. 2 at page 264, in office of Secretary of State)

1. POWER TO REMIT FINES, ETC.

The Mayor shall have the right to remit or reduce fines and forfeitures and to vacate and annul or reduce penalties of all kinds, for offenses against the Charter, laws or ordinances of the City, by and with the consent of the Board of Selectmen; but no such fine or penalty shall be remitted or annulled or reduced unless the reasons therefor be entered in the Minutes of the Board, together with and as a part of the order so doing.

2. The Board of Mayor and Selectmen may provide for allowances, of so many days in each month, for good behavior and faithful labor of the City convicts, and may discharge a convict for meritorious service, or on account of physical infirmity, apparently permanent, which renders him or her unable to work.

(This amendment granted 31st day of July 1913, and is recorded in Book of Incorporations, Book No. 2, page 268, in office of Secretary of State.)

1st. POLICE POWERS OVER RAILROAD COMPANIES, ETC.

Said Board shall have full police authority over all railroad companies and their officers, servants and property, within the City limits.

2nd. LIGHTS AT RAILROAD CROSSINGS, ETC.

Said Board may require any railroad company to keep proper lights during the night, wherever necessary for the protection of persons or property, where the track or tracks of said Company cross a street of said City, or at any point on its depot grounds or along its switch tracks.

3rd. WATCHMEN AND AUTOMATIC GATES.

Said Board may require such company to keep a watchman at any such street crossing wherever so necessary, and may require it to keep and operate automatic gates at such crossings if the same be necessary for the protection of life or property.

4th. BANANA CARS, AND STANDING CARS AND TRAINS.

Said Board shall have authority to prohibit the sale of

bananas in or from railroad cars, within the City, except at such places as the Board may designate, and the Board may direct where such cars may stand; and said Board may require every standing car or train to be such distance from the line of the street or sidewalk crossing its track or tracks as not to endanger the traveling public by the sudden or unexpected movement of such car or train.

(This amendment granted 10th day of August, 1914, and is recorded in Book of Incorporations, Book No. 2, at page 282, in office of Secretary of State.)

The Board of Mayor and Selectmen of said City of West Point shall have power by ordinance to issue interest bearing bonds or warrants, bearing interest not exceeding 6% per annum, and payable upon such terms and at such times as the Board may determine, not exceeding \$15,000.00 for the purpose of cleaning off, grubbing, leveling and preparing the grounds of the aviation field to be established by the United States Government north of the corporate limits and just outside of said city and to do all things necessary to place said grounds in such condition as to meet the demands of said United States Government and to use said proceeds from said bonds or warrants in doing said work either by contract or under its own supervision and to make annually such levy of taxes as may be necessary to pay the annual interest on said bonds or warrants, and to pay such part of the principal as may be provided for in said bonds or warrants.

(This amendment granted 22nd day of February, 1918 and is recorded in Book of Incorporations, Book No. 2 at page 314, in office of Secretary of State)

The Board of Mayor and Selectmen of said city of West Point shall have power by ordinance to issue interest bearing bonds, or warrants, bearing interest not exceeding 6% interest per annum and payable upon such terms and at such times as the Board may determine, not exceeding \$30,000.00 for the purpose of repairing, increasing and extending the electric light plant of said city, and to make annually such levy of taxes as may be necessary to pay the annual interest on said bonds or warrants and to pay such part of the principal as may be provided for in said bonds or warrants.

(This amendment granted 22nd day of February, 1918 and is recorded in Book of Incorporations, Book No.2 at page 315, in office of Secretary of State)

The Board of Mayor and Selectmen of said City of West Point shall have power by ordinance to issue interest bearing bonds, not exceeding six per cent interest per annum, and payable upon such terms and at such times as the Board may determine, not exceeding \$50,000.00 for the purpose of refunding the Georgia Pacific Railroad Bonds of said City for like amount, which bonds to be refunded will be due May 1st, 1918, and to make annually such levy of taxes as may be necessary to pay the annual interest on said Bonds to be issued, and to pay such part of the principal, as may be provided for in said bonds.

(This amendment granted 4th day of April, 1918, and is recorded in Book of Incorporations, Book No. 2, page 319, in office of Secretary of State)

The Mayor and Board of Selectmen are hereby empowered and authorized to use, expend, or donate, annually, a sum not exceeding twenty-four hundred \$2,400.00 dollars, per annum, or any part of that amount to the assistance, maintenance and operation of a hospital, public or private, in the city of West Point, Mississippi to procure medical and surgical aid, assistance, care and treatment for the public charity patients of the said City and to maintain, charity wards for such patients.

(This amendment granted 17th day of April, 1920, and is recorded in Book of Incorporations, Book No. 2, at page 350 in office of Secretary of State)

That the Board of Mayor and Selectmen shall have the power and authority to establish and maintain within the City of West Point, swimming pools for the use and benefit of said City's citizens and for the general public; to buy land or furnish land upon which to build such swimming pools; to charge the patronizers of such pools reasonable fees for the use of the same and for the purpose of paying the expense of operating the said pools; and the power to police and regulate the use of said pools and to prescribe penalties for anyone breaking said rules and regulations; and to have the power to do all other things necessary for the operation of said pools for the general benefit of the citizens and general public for their recreation and pleasure.

(This amendment granted 4th day of August, 1925, and is recorded in Book of Municipalities, Book No. 2, page 410 in office of Secretary of State)

Be it enacted that Sections 2946-2947 of Chapter 93 of the Annotated Code 1892, "An Act to amend Section 2946 of the annotated Code so as to enable municipalities to exercise the right of eminent domain in the erection and construction of levies," approved May 8, A. D. 1897 on page 38 of the published laws of 1897 be and the same shall constitute a part of the Charter of the City of West Point.

In order to more effectually carry into effect the provisions of this amendment, as to sewerage, the Board of Mayor and Selectmen of the said city shall have the power to levy either general or special taxes, and to borrow money to any necessary amount, without regard to the existing indebtedness of said city, except that the aggregate amount so borrowed shall not exceed \$50,000.00; provided that said money shall be raised and used alone for sewerage purposes. They may borrow the money on its warrant or bonds, not to run longer than twenty years, and not to bear interest at a greater rate than six percentum per annum, payable annually, or semiannually, the first or initiatory payment of principal or interest to commence at such time as the said Board of Selectmen may fix, and then annually or semi-annually thereafter, and a part of the principal may be made payable each year, or not, as the said Board may see proper, and the bonds or any part of them may be made redeemable at any time after three years at the option of said Board.

(Amended 26th day of January, 1904 and recorded in the Proclamation of Towns Book 2, page 15, in office of Secretary of State)

RESOLUTION

Resolution adopted April 29, 1892, proposing that the city remain under its charter.

Whereas, it is the wish of the corporate authorities and citizens of the city of West Point, Mississippi, to continue to act under the provisions and powers of the charter granted it by the charter of incorporation under which it was incorporated at the time of the passage of chapter of Annotated Code of 1892 of the Laws of the State of Mississippi on "Municipalities."

Therefore, be it resolved, by the board of mayor and selectmen of the city of West Point, Mississippi, that said city of West Point, Mississippi, shall not come under the provisions of said chapter of the Annotated Code of 1892 of the Laws of the State of Mississippi, but shall remain and continue to

operate under its charter of incorporation as specially incorporated by the act of incorporation of the said City of West Point by the Legislature in the year, 1892.

J. J. McClellan, Clerk.