

before prescribed, and in case that at any election to be held under this act, there should be a tie, or any of said officers so elected, should refuse to act, die, resign, be disqualified, or remove, then in such case a new election shall be held in two weeks after such fact shall have become known, upon at least one week's notice to be given by the mayor, or one or more of the common council, or five or more of the voters in manner as is hereinbefore provided, and the said election shall be conducted under the direction of three judges or any two of them who shall be appointed by the Mayor, or one or more of the common council, or five or more of the voters, as the case may be, and the person or persons so elected shall serve until a new election.

SEC. 5. *And be it enacted,* That the common council shall be the judges of the qualifications of the mayor and of their own members, shall have power to pass ordinances to preserve the health of the city, to prevent and remove nuisances, to regulate the colored population, to suppress gambling, to license and charge therefor, public amusements, not taxed by the State, to open and keep open streets, lanes and alleys, with the consent of the owner or owners of the land through which the same may pass, or upon paying damages therefor to be assessed by three disinterested persons to be by them appointed, to grade and pave streets, and to lay flag stones across the same, and require the owner or owners of the lot or lots, in front of which the said grading and paving is to be done, to do the same at his, or their own proper cost and expense, and in case the same shall be neglected for the space of two months after notice shall have been given by the mayor, to direct the mayor to cause the same to be done, and the expense thereof shall be a lien on said lot or lots, and may be recovered by action of debt, in the same manner as all debts are recovered in this State, to impose fines and penalties for the breach of any ordinance which they may pass, to be recovered before a justice of the peace by action of debt, to lay and collect a tax on the real and personal property of said city, not exceeding ten cents in every hundred dollars of the assessed value thereof, and all ordinances in general to promote the health and peace and prosperity of said city, and which shall not be in violation of the constitution and laws of this State and of the United States.

SEC. 6. *And be it enacted,* That the mayor, by and with the advice and consent of the common council, may appoint a bailiff or bailiffs, not exceeding three, who, within the city limits, shall have all the power

CHAP. 299.

Corporate powers, etc.

To appoint a bailiff and a clerk