The Charter of the City of Lowell 1836
THE CHARTER
OF THE
CITY OF LOWELL,
WITH THE
RULES AND ORDERS,
both
JOINT AND SEPARATE,
WITH A
LIST OF MEMBERS
OF THE
City Council,
AND OF THEIR
STANDING COMMITTEES,
TOGETHER WITH A
LIST OF OFFICERS
OF THE
City Government.

HUNTRESS & KNOWLTON, PRINTERS.
1836.
City Charter.

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Sec. [1] Corporate name, general powers and officers of government. All denominated the City Council.

[2] Enter on duties of office 1st Monday of April annually, to be sworn, by whom oath administered, when no choice of Mayor, Board of Aldermen elect a Chairman who officiates as Mayor until a choice, when Mayor elect refuses to accept, or in case of sickness or necessary absence.

[3] Vacancy in office of Mayor provided for, and in Board of Aldermen.

[4] Mayor and Aldermen to act as one Board together with Com. Council, elect city clerk, his duties and powers, to be sworn.


[7] Mayor and Aldermen—powers of Selectmen and Overseers of the Poor transferred to, may grant license to innholders, common victuallers, and retailers, appoint constables, light the streets.

[8] Powers of united Boards, negative on each other, make by-laws and annex penalties, lay and assess taxes, appoint collectors, appropriate money, and disburse the same, collector to give bonds.

[9] City Council appoint necessary officers, prescribe their duties, fix compensation, regulate streets and sidewalks, lay down drains and sewers, make and discontinue town ways or streets, make rules for the survey and measurement of timber, brick, wood, coal and bark, regulate stands for carriages, wagons, carts and sleds, fix penalties, care of buildings and other city property.

[10] Board of health, its powers transferred to city council.


AN ACT TO ESTABLISH THE CITY OF LOWELL.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

[1] Section. 1. That the inhabitants of the town of Lowell, for all purposes, for which towns are by law incorporated in this Commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of the
City Charter.

City of Lowell, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to said town, and the administration of all the fiscal, prudential and municipal concerns of the city, with the conduct and government thereof, shall be vested in one principal officer, to be styled the Mayor, one select council, consisting of six persons, to be denominated the Board of Aldermen, and one Council, to consist of twenty-four persons, to be denominated the Common Council, together with such other boards of officers as are hereinafter specified. The mayor, aldermen and common council, in their joint capacity, shall be denominated the City Council, and shall not, excepting the Mayor, receive any compensation for their service.

[2] Sect. 2. The mayor, aldermen and common council, chosen as hereinafter provided, shall enter on the duties of their respective offices on the first Monday of April in each year, and shall hold their offices for the term of one year from the time of their so entering on the duties thereof; and before entering on said duties, the Mayor, Aldermen and Common Council, shall be sworn to the faithful discharge of their duties. And such oath may be administered to the Mayor elect by any justice of the peace for the county of Middlesex; and such oath shall be administered to the aldermen, and common council, by the Mayor, being himself first sworn as aforesaid, and a certificate of such oath having been taken, shall be entered in the journal of the mayor and aldermen, and of the common council, by their respective clerks, and whenever, on examination, by the mayor and aldermen for the time being, of the returns of votes given for mayor at the meeting of the citizens, holden for the purpose of
electing that officer last preceding the first Monday of April, in each year, no person shall appear to have a majority of all the votes given for mayor, the mayor and aldermen by whom such examination is made, shall make a record of that fact, an attested copy of which, it shall be the duty of the city clerk, to produce and read, on the first Monday in April in each year, in the presence of the persons returned to serve as aldermen and common councilmen: and thereupon the oath of office prescribed by law, may be administered by any justice of the peace for the county of Middlesex; and the board of aldermen shall then proceed to elect a chairman, who shall perform the duties of mayor until the mayor be duly chosen, and the common council a president, in their respective chambers, and being respectively organized shall proceed to business.—And in case any person elected mayor of said city, shall refuse to accept said office, the same proceeding shall be had as hereinbefore directed, in respect to the organization of the board of aldermen and common council, in cases where there has been no choice of mayor; and the board of aldermen so organized, shall forthwith issue their warrant for a meeting of the citizens for the choice of mayor, at such time and place as they shall judge most convenient, and said meeting shall be organized, and the same proceedings had in all respects in relation to the choice of mayor, as are hereinafter directed in the twentieth section of this act. And in case of the unavoidable absence, by sickness or otherwise, of the mayor elect, on the first Monday of April, in each year, the city government shall organize itself in the mode hereinbefore provided, and may proceed to business in the same manner as if the Mayor were present.

[3] Sect. 3. In case of the decease, inability, resignation or absence of the mayor, and the same
being declared and a vote passed by the aldermen and common council respectively, declaring such cause and the expediency of electing a mayor for the time being, to supply the vacancy thus occasioned, the aldermen and common councilmen may meet in convention, and elect a mayor to hold the office until such occasion be removed or until a new election. And in case of the death or resignation of any member of the Board of aldermen, the citizens may fill such vacancy at any regular meeting that may thereafter be convened for that purpose.

[4] Sect. 4. The mayor and alderman shall compose one Board, and shall sit and act together as one body, at all meetings of which, the mayor, if present, shall preside, but in his absence, the board may elect a chairman, for the time being; and said Board, together with common council in convention, shall choose a clerk to be denominated the city clerk, who shall hold his office for the term of one year, and until another person be chosen and qualified to succeed him, removable, however, at the pleasure of the mayor and aldermen. Before entering on the duties of his office, the clerk shall be sworn to the faithful discharge of the same; and shall keep a journal of the acts and proceedings of said Board, sign all warrants issued by them, and do such other acts in his capacity as may lawfully and reasonably be required of him; and deliver over all journals, books, papers and documents entrusted to him, as such clerk, to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the mayor and aldermen. And the city clerk thus qualified, shall have all the powers, and perform all the duties, now by law belonging to the town clerk of the town of Lowell, as fully as if the same were particularly enumerated, ex-
cept in cases where it is otherwise expressly provided.

[5] Sect. 5. The persons chosen and qualified as members of the Common Council of the City, shall sit and act together as a separate body, distinct from that of the Mayor and Aldermen, except in those cases in which the two bodies are to meet in convention; and the Council may from time to time, choose one of their own members to preside over their deliberations, and to preserve order therein, and also to choose a clerk, who shall be under oath faithfully to discharge the duties of his office, who shall hold said office, during the pleasure of the Council, and who shall attend the Council, when the same is in session, keep a journal of its acts, votes, and proceedings, and perform such other services in said capacity as the Council may require.—All sittings of the Common Council shall be public; Also all sittings of the Mayor and Aldermen, when they are not engaged in Executive business. Four members of the Board of Aldermen, and fifteen members of the Common Council shall constitute a quorum for the transaction of business. And each of the persons chosen as a member of the Common Council shall, within two days after his election, be furnished with a certificate thereof, signed by a majority of the officers presiding at such election, which certificate shall be presumptive evidence of the title of such person to a seat in the Common Council; but the Council however shall have the authority to decide ultimately upon all questions relating to the qualifications, elections and returns of its members.

[6] Sect. 6. The Mayor of the City, shall be the chief executive officer of said corporation; and shall be compensated for his services by a salary, to be fixed by the board of Aldermen and Common Council in City Council convened payable at stated
periods: which salary shall not exceed the sum of Fifteen Hundred Dollars annually and he shall receive no other compensation or emolument whatever; and no regulations enlarging or diminishing such compensation, shall be made, to take effect until the expiration of the year, for which the Mayor, then in office, shall have been elected. And the Mayor shall be vigilant and active at all times, in causing the laws for the government of said city to be duly executed and put in force; shall inspect the conduct of all subordinate officers in the government thereof, and as far as in his power, cause all negligence, carelessness, and violation of duty, to be duly prosecuted and punished.—Whenever in his judgment the good of the city may require it, he shall summon meetings of the Board of Aldermen and Common Council, or either of them, although the meeting of said boards, or either of them, may stand adjourned to a more distant day; and perform such other duties as the City Council may legally and reasonably require. And the mayor, from time to time, shall communicate to both branches of the City Council, all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the City.

[7] Sect. 7. The administration of police, the executive powers of the city with all the powers here-tofore vested in the selectmen and overseers of the poor, of the town of Lowell, are hereby vested in the mayor and aldermen, as fully as if the same were here-in enumerated, who shall be ex-officio members of the school committee. The mayor and aldermen may also grant licences to innholders, common victuallers, and retailers, within the city, in all cases wherein the County Commissioners for the County of Middlesex, on the recommendation of the selectmen of Lowell,
have heretofore been authorized to grant such licences; and may appoint annually such a number of persons as constables for the city, and from time to time such special constables as the public service may require; all of whom shall be removable at the pleasure of the mayor and aldermen; and the constables so appointed shall have the same powers as are by law vested in constables chosen by towns in this Commonwealth. And the mayor and aldermen may cause the public streets of the city to be lighted, and for that purpose may set up and construct lamps, gas pipes, or other apparatus, such as public necessity or convenience may require.

[8] Sect. 8. All other powers now by law vested in the town of Lowell, or in the inhabitants thereof, as a municipal corporation, shall be, and hereby are, vested in the mayor, aldermen and common council of the city, to be exercised by concurrent vote—each board having a negative upon the other. Especially, they shall have power to make all such needful and salutary by-laws, as towns by the laws of this Commonwealth have power to make and annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect, and be in force, from and after the times therein respectively limited, without the sanction or confirmation of any court or authority whatever: Provided, that such by-laws shall not be repugnant to the laws of this Commonwealth; and shall be liable to be annulled by the legislature thereof. The city council from time to time, may lay and assess taxes for which towns are by law required or authorized to assess or grant money, and also for all purposes necessary for carrying into effect the powers conferred by this act: provided, however, that, in the assessment and proportionment of such taxes, the same rules and regulations shall be observ-
ed, as are now established by the laws of this Commonwealth, or may hereafter be enacted, relative to the assessment and apportionment of town taxes. The city council may provide for the assessment and collection of such taxes, make appropriations of all public moneys, and provide for the disbursement thereof, and take suitable measures to ensure a just and prompt account thereof, and for these purposes may elect such assessors as may be needful, or provide for the appointment or election of the same, or any of them, by the mayor and aldermen, or by the citizens as may be most conducive to public good, and shall also require of all persons entrusted with the collection, custody or disbursement of public moneys, such bonds with such conditions and such securities as the case may require.

[9] Sect. 9. The city council may provide for the appointment or election of all officers necessary for the good government of the city, not otherwise provided for; prescribe their duties and fix their compensation; cause any street or streets, public places or squares in the city to be graded, paved, macadamized, or repaired; and cause permanent sidewalks to be constructed on the same, in front of buildings, at the expense of the owners thereof, and temporary ones in front of vacant lands, at the expense of the abutters or of the city, which sidewalks, when accepted by said council, shall be afterwards maintained at the expense of the city, whenever the convenience of its inhabitants may require the same, and cause drains and common sewers to be laid down through any streets or private lands, paying the owners thereof such damage as may be sustained thereby; and require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer; and lay out, make and con-
City Charter.

1. Continue, or discontinue all city and town ways or streets within the limits of the city; and widen or straighten county ways, within the city, in such manner as the public convenience may require; and any party aggrieved by such building of side-walks, laying of drains or common sewers, and alterations of ways, shall have the same remedies as are provided by law for the doings of county commissioners. The city council may also make and establish necessary or fit rules and by-laws for the inspection, survey, measurement and sale of timber, brick, wood, coal, and bark for fuel, brought into the city for sale, and for the regulation of carriages in the streets of the city; appoint certain places in the streets and squares of the city, as public stands for wagons, carts, sleds and carriages of every description, and ordain fit penalties, not exceeding twenty dollars, for the breach of any of the ordinances, rules and regulations so made and established, to be recovered upon complaint of any officer or other inhabitant of the city, before the police court therein, for the use of the city. The city council shall also have the care and superintendence of the public buildings, and the care, custody, and management of all the property of the city, with power to lease or sell the same, and to purchase property in the name and for the use of the city, whenever its interest or convenience may require. The city council may, by a committee, by them appointed, or by instructions to any officer having charge of the streets, appropriate, set off and reserve, as sidewalks, such parts of any streets of the city, as may be necessary for the safety, convenience, and accommodation of foot passengers, and permit or direct posts of stone or wood, or trees, if necessary, to be placed along the edge of said sidewalks to protect the same, or the passengers travelling thereon.
[10] Sect. 10. All the power and authority, now or hereafter, to be by law invested in the Boards of Health of towns in this Commonwealth, shall be, and the same are hereby transferred to, and vested in the city Council, to be carried into execution by the appointment of Health Commissioners, or in such other manner as the health and cleanliness of the city may require, subject to such alterations as the Legislature may, from time to time, adopt.

[11] Sect. 11. The Mayor, Aldermen and Common Council, shall, as soon as convenient, after their annual organization, meet in convention, and elect a Treasurer of the city.

[12] Sect. 12. The persons elected to constitute the School Committee, shall enter upon their duties on the first Monday of April in each year, and shall hold their offices for the term of one year from the time of their so entering upon said duties; and they shall have the same powers and perform the same duties as are by law vested in and required of the School Committees of towns and school districts in this Commonwealth.

[13] Sect. 13. All boards and officers, acting under the authority of the city, and entrusted with the receipt and expenditure of public money, shall be accountable therefor to the City Council, in such manner as they may direct. And the City Council shall publish and distribute, annually, for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys, and a particular statement of all city property, five days at least, prior to the first Monday in February.

[14] Sect. 14. In all cases in which appointments to office are directed to be made by the Mayor and Aldermen, the Mayor shall have exclusive power of nomination; such nomination, however, being sub-
ject to be confirmed or rejected by the Board of Aldermen: *Provided*, however, that no person shall be eligible to any office, the salary of which is payable out of the city treasury, who at the time of his appointment, shall be a member of the City Council.

[15] Sect. 15. The two branches of the City Council, on the second Monday of October, in each year, shall meet in Convention, and determine the number of Representatives, which it may be expedient for the city to elect to the General Court, in such year, and shall publish such determination, which shall be conclusive; and the number thus determined shall be specified in the warrant calling a meeting for such election of Representatives.

[16] Sect. 16. The inhabitants of the city qualified as aforesaid, may, at any meeting legally called for that purpose, order a division of the town into six wards, in such manner, as to include an equal number of inhabitants in each ward, as nearly as conveniently may be, consistently with well defined limits to each ward, including in such computation of numbers of inhabitants, persons of all descriptions, and taking the last census made under the authority of the United States, this Commonwealth, or of the city, as a basis of computation; *Provided however*, that not more than two meetings for that purpose shall be holden in any one year. And after said division into wards, the same shall not be altered, except by the city council once in five years, in such manner as to preserve as nearly as may be, an equal number of inhabitants in each ward.

[17] Sect. 17. Prior to every election of city officers, or of any officer or officers under the government of the United States, or this Commonwealth, the Mayor and Aldermen shall make out lists of all the citizens of each ward, qualified to vote in such election,
in the manner in which selectmen and assessors of towns are required to make out similar lists of voters, and for that purpose they shall have free access to the assessor's books and lists, and be entitled to the aid and assistance of all assessors, assistant assessors, and other officers of the city. And the Mayor and Aldermen shall deliver such lists of voters in each ward, to be used by the warden and inspector thereof, at such election; and no person shall be entitled to vote at such election, whose name is not borne on the list; and to prevent all frauds and mistakes in such elections, the officers presiding thereat shall take care that no person shall vote at such election, whose name is not borne on the list of voters, and shall cause a mark to be placed against the name of each voter on such list, at the time of giving his vote.

[18] Sect. 18. At the first meeting of the inhabitants of the city, for election of officers, in their several wards, the persons authorized to issue a warrant for said meeting, may designate some suitable person to preside at each ward meeting until the clerk of the ward shall be chosen and qualified, and the person so presiding shall receive, sort, count and declare the votes given for such Clerk in open ward meeting, and the person having a majority of all the votes given, shall be declared elected, and such presiding officer shall record the state of the votes in a book to be kept by the ward for that purpose.

[19] Sect. 19. On the last Monday of February, in each year, the citizens of the city, qualified to vote in city affairs, shall meet together within their respective wards, at such time and place as the Mayor and Aldermen may in their warrant direct and appoint, and the citizens shall then choose by ballot one warden and one clerk, who shall hold their offices for one year, or until others shall be appointed in their stead. And
such wardens shall have the same powers as moderators at town meetings have. And such clerk shall make a fair and true record, and keep an exact journal of all the acts and votes of the citizens at such ward meetings: and deliver over such records and journals, together with all other documents and papers held by him, in his said capacity, to his successor in office. And if, at the opening of the annual meeting, the warden of such ward shall not be present, the clerk of such ward shall call the citizens to order, and preside at such meeting until a warden shall be chosen by ballot. And if, at any other meeting the warden shall be absent, the clerk in such case, shall so preside, until a moderator or warden pro tempore, shall be chosen; which may be by nomination and vote, if the clerk so direct.

At such meeting also, three inspectors of elections shall be chosen for such ward, being resident therein, by ballot, to hold their offices for one year. And the warden and inspectors, in each ward, shall receive, sort, count and declare all votes, at all elections within said ward. And the warden, clerk and inspectors, so chosen, shall respectively be under oath, faithfully and impartially to discharge their several duties, relative to all elections; which oath may be administered by the clerk of such ward to the warden, and by the latter to the clerk and inspectors, or by any Justice of the Peace of the county of Middlesex. And certificates of such oaths having been administered, shall be entered in the record or journal to be kept by the clerk of such ward. And if, at any meeting, the clerk should be absent, a clerk pro tempore shall be chosen by ballot.

[20] Sect. 20. The inhabitants of the city, qualified to vote in city affairs, at their respective ward meetings, to be held on the first Monday of
March in each year, shall be called upon to give in their votes for one person to be the Mayor, six persons to constitute the board of Aldermen and four persons being inhabitants of said ward, to be members of the Common Council, and one person being also an inhabitant of said ward, to be a member of the school Committee, and all the votes so given in each ward being counted and declared by the warden and inspectors of elections, shall be recorded at large by the clerk in open ward meeting; and in making such declaration and record, the whole number of votes given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person, such numbers to be expressed in words at length and a transcript of such record certified and authenticated by the warden, Clerk and a Majority of inspectors of elections for each ward shall be forthwith transmitted or delivered by such ward clerk to the clerk of the City. And the City clerk shall forthwith enter such returns, or a plain and intelligible abstract of them, as they are successively received, upon the journal of the proceedings for the Mayor and Aldermen, or some other book to be kept for that purpose. And the Mayor and Aldermen shall meet together within two days after such election, and examine and compare all the said returns, and ascertain what persons shall have been elected to the offices aforesaid, and give notice in writing to all persons elected to the several offices aforesaid, and also make the same known to the inhabitants of the City. But if on such examination, said elections shall not be complete, the Mayor and Aldermen shall issue their warrants for meetings in such wards as shall have failed to complete their elections; and the same proceedings shall be had in all respects as are hereinbefore directed, until such persons shall be chosen by a majority of all the voters voting in such elections.
Provided, however, That until the city be divided into wards according to the 16th section of this act, the inhabitants of the City shall meet on the first Monday of March annually at such time and place as the Mayor and Aldermen shall, by their warrant calling such meeting, appoint, and the City Clerk presiding, shall then and there choose a moderator to preside over said meeting, who shall have the power and authority given to moderators of town meetings by the laws of this Commonwealth, and shall then and there vote by ballot for one person to be Mayor, six persons to be Aldermen, twenty four persons to be members of the Common Council, and six persons to be members of the School Committee for the City. And the Moderator and Aldermen, or a majority of them, shall receive, sort, examine and count the votes at such meeting given in for said Mayor, Aldermen, Common Council and School Committee, and then the same shall be declared by the moderator, and recorded by the City Clerk in open meeting in the journal of the proceedings of the Mayor and Aldermen, or some other book kept for that purpose; and in making such declaration and record, the whole number of votes shall be distinctly stated, together with the name of each person voted for; and the number of votes given for each person respectively. And in case said elections shall not be completed at the first balloting, said meeting shall adjourn for not less than one day nor more than four days: and at such adjourned meeting the balloting shall be renewed for completing the same, and the same proceedings thereupon had as herein before directed; and such adjournment and balloting shall be renewed from time to time, if necessary, until persons are elected to fill all said offices, by a majority of the voters voting at such election. And the Mayor and Aldermen shall ascertain by inspection
of said record, what persons are so elected and give notice thereof in writing to every person having such majority, within two days after such election. Provided, further, That, if after three ballotings, there be no choice of mayor, then a mayor shall be chosen from the two persons having the highest number of votes for that office, by joint ballot of the board of aldermen and common council, in city council assembled.

[21] Sect. 21. For the purpose of organizing the system of Government, hereby established, and putting the same into operation in the first instance, the Selectmen of the town of Lowell, for the time being, shall seasonably before the first Monday of May next, issue their warrant for calling a meeting of the inhabitants of said town, qualified to vote in town affairs, at such time and place as they shall think expedient for the purpose of giving in their votes for a Mayor, six Aldermen, twenty four members of the Common Council, and six members of the School Committee. And the votes so given in, shall be received, sorted, counted, examined and declared by the Selectmen, and recorded by the town clerk. And in case said election shall not be completed at the first balloting, the balloting may be renewed, and the Selectmen may adjourn the meeting from time to time, if necessary, for not less than one day nor more than four days at any one adjournment, until said election shall be completed. And the Selectmen shall give notice, in writing, within two days after such election, to the persons elected by a majority of the voters, voting at such meeting. And the persons so elected shall organize themselves, and enter upon the duties of their respective offices on the first Monday of May, in the same manner as is provided in the second section of this act; and may continue in office until the
first Monday of April, in the year one thousand eight hundred and thirty-seven.

[Sect. 22] All elections for Governor, Lieutenant Governor, Senators, County Treasurer, Representatives, Representative to Congress, and all other officers who are to be chosen and voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for those elections respectively. And at such meetings, all the votes given in, being sorted, counted, and declared by the warden and inspectors of elections, shall be recorded at large in open ward meeting, by the clerk, and in making such declaration and record, the whole number of votes given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person; such numbers to be expressed in words at length. And a transcript of such record, certified and authenticated by the warden, clerk, and a majority of inspectors of elections for each ward, shall forthwith be transmitted or delivered by such ward clerk to the City clerk. And the City clerk shall enter such returns, or a plain and intelligent abstract of them, as they are successively received, upon the journal of the proceedings of the Mayor and Aldermen, or some other book to be kept for that purpose. And the Mayor and Aldermen shall meet together within two days after every such election, and examine and compare all such returns, and thereupon make out a certificate of the result of such election, to be signed by a majority of the board of Aldermen, and also by the City Clerk, which shall be transmitted, delivered, or returned, in the same manner as similar returns are by law required to be made by the Selectmen of towns; and such certificates and returns shall have the same force and effect in all respects, as
like returns of similar elections made by the Selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the same proceedings shall be had as is required by the laws of this Commonwealth in case of towns failing to elect their representatives: Provided, however, That until such time as the city shall be divided into wards according to the sixteenth section of this act, the inhabitants of said city, qualified as in this section aforesaid, at all the elections in this section above mentioned, shall meet on the days fixed by law for those elections respectively, at such time and place as the Mayor and Aldermen, for the time being, may by their warrant calling such meeting, appoint; and the same proceedings in all respects shall be had as are by law provided in the case of town meetings for said elections. And the like proceedings, in all respects, shall be had in regard to making out, authenticating and returning a certificate of the result of each of such elections as are above in this section provided.

[23] Sect. 23. General meetings of the citizens qualified to vote in City affairs may, from time to time be held to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain a redress of grievances according to the right secured to the people by the constitution of this commonwealth. And such meetings shall be duly warned by the Mayor and Aldermen upon the requisition of fifty qualified voters of the City, and in case the Mayor and Aldermen refuse to call a meeting, any Justice of the Peace of the county upon the same requisition is authorized, if he shall think proper, to call such meeting by a warrant under his hand, directed to the constables of the City, if any there be,
and, otherwise to any of the persons applying therefor, directing them to summon the inhabitants qualified to vote in city affairs, to assemble at the time and place, and for the purpose expressed in said warrant.

[24] Sect. 24. The annual election of officers of the town of Lowell, in the months of March and April, in the year eighteen hundred and thirty-six, shall be suspended. And all officers, now in office shall hold their places, until this act shall go into operation.

[25] Sect. 25. All officers of the town of Lowell, having the care and custody of any records, papers or property, shall deliver the same to the City Clerk within two days after his entering upon the duties of his office.

[26] Sect. 26. All acts and parts of acts, inconsistent with, or repugnant to the provisions of this act, shall be, and the same are hereby repealed. But nothing in this act contained shall be so construed as to restrain or prevent the legislature from amending or altering the same whenever they shall deem expedient.

[27] Sect. 27. This act shall be void unless the inhabitants of the town of Lowell, at a legal town meeting called for that purpose, shall, by a majority of voters present, and voting thereon by a written vote, determine to adopt the same within fourteen days after the passing of this act.

Approved by the Governor
April 1, 1836.
JOINT RULES AND ORDERS

FOR BOTH BOARDS OF THE

CITY COUNCIL.

1. In every case of an amendment of an ordinance, agreed to in one Board and dissented from in the other, if either Board shall request a conference, and appoint a Committee of Conference, and the other Board shall also appoint a Committee to confer, such Committee shall at a convenient hour to be agreed upon by the Chairman, meet and state to each other verbally or in writing, as either shall choose, the reasons of their respective Boards for and against the amendment, confer freely thereon, and report to their respective branches.

2. When either Board shall not concur in any ordinance sent from the other, notice of such non-concurrence shall be given by written message.

3. Either Board may propose to the other, for its concurrence, a time to which both Boards will adjourn.

4. All by-laws passed by the City Council, shall be termed ordinances, and the enacting style which shall be but once recited in each ordinance, shall be— "Be it ordained by the Mayor, Aldermen and Common Council of the City of Lowell, in City Council assembled as follows."

5. In all votes passed by either or both branches of the City Council, for any purpose except the passing of by-laws, the form of expression shall be "Resolved."

6. In every year after the annual appropriations have been passed, no subsequent expenditure shall be authorised for any object, unless provision for the same shall be made by a special transfer from some of the appropriations contained in the annual resolution, or by expressly creating therefor a City debt; but no such debt shall be created, unless the resolution authorising the same, pass by the affirmative votes of two thirds of the whole number of each branch of the City Council, voting by yeas and nays.

7. No Committee shall act by separate consultation, and no report shall be received unless agreed to in Committee actually assembled.
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Rules and Orders.

8. All reports and other papers submitted to the City Council, shall be written in a fair hand, and no endorsement of any kind shall be made on the reports, memorials, or other papers referred to the Committee of either branch. And the Clerk shall make copies of any papers to be reported by Committees, at the request of the respective Chairmen thereof.

9. No committee shall enter into any contract with, or purchase, or authorise the purchase of any articles of any of its members.

10. No Chairman of any Committee shall audit or approve any bill or account against the City, for any supplies or services which shall not have been ordered or authorised by the Committee.

11. The Auditor of accounts shall lay before the Common Council the book containing the monthly drafts on the City Treasurer, at one meeting in every month, and as soon as may be after the draft of the month is completed.

RULES AND ORDERS

OF THE

COMMON COUNCIL.

1. The President shall take the chair precisely at the hour appointed for the meeting—call the members to order, and on the appearance of a quorum, cause the minutes of the preceding meeting to be read. In the absence of the President, the oldest member present shall call the council to order, and preside until a President pro tempore shall be chosen.

2. He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Council by any two members.

3. He shall rise to address the Council, to state facts, or to put a question, but may read sitting.

4. He shall declare all votes; but if a vote be doubted, the President shall, without further debate, require the members voting in the affirmative and negative, to rise and stand until they are counted, and he shall declare the result.

5. He may call any member to the chair, but such substitution shall not extend beyond an adjournment, and when out of the chair, the President may express his opinion on any subject under debate.

6. All questions shall be propounded in the order in which they are moved, unless the subsequent motion be previous in its nature, except that in naming sums and fixing times, the largest sum and the longest time shall be first put.
7. After a motion is stated by the President, it shall be disposed of by vote of the Council, unless the mover withdraw it before a decision or amendment.

8. A motion to adjourn shall be always in order, that and the motion to lie on the table shall be decided without debate.

9. The previous question shall be in this form; "shall the main question be put." It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendment and further debate of the main question.

10. The yeas and nays shall be taken on any question upon the request of one third of the members present.

11. When two or more members happen to rise at the same time, the President shall name the member who is to speak first.

12. When any member is about to speak in debate, or deliver any matter to the Council, he shall rise in his place, and respectfully address the "Presiding Officer," confining himself to the question under debate, and avoiding personality.

13. No member shall be mentioned in debate by his name, but may be described by the place he sits in, or such other designation as may be intelligible and respectful.

14. No member speaking, shall be interrupted by another, but by a call to order, or to correct a mistake. If any member in speaking or otherwise transgress the rules of the Council, the President shall, or any member may call him to order, in which case the member so called to order, shall immediately sit down, unless permitted to explain, and the Council if appealed to, shall decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Council.

15. No member shall speak more than twice to the same question, without obtaining leave of the Council, nor more than once, until every member choosing to speak shall have spoken.

16. Whilst the President or any other member is speaking, none shall stand up, or pass unnecessarily before the person speaking.

17. Every motion shall be reduced to writing if the President or any member require it. But no motion shall be considered unless seconded.

18. When a question is under debate, no motion shall be received but to adjourn; to lie on the table; for the previous question; to postpone to a day certain; to commit; to amend; or to postpone indefinitely; which several motions shall have precedence, in the order in which they are arranged, and no motion to postpone, or commit, shall be allowed twice in the same day, in the same stage of the ordinance or proposition.

19. A motion for reconsideration of a vote shall be open to debate. But such motion shall not be considered, unless notice thereof be given at the meet
26 Rules and Orders.

ing at which the vote passed, nor unless the motion be made at the next meet-
ing after, and only one motion for reconsideration of any vote shall be permitted.

20. Every member who shall be in Council when a question is put, shall give
his vote, unless the Council for special reasons excuse him.

21. A motion for commitment until it is decided, shall preclude all amend-
ment of the main question.

22. No motion or proposition on a subject different from that under considera-
tion, shall be admitted under color of amendment.

23. All motions and reports may be committed or recommitted at the pleas-
ure of the Council.

24. The division of a question may be called for when the sense will admit
of it.

25. When the reading of a paper is called for, and objected to, it shall be
determined by a vote of the Council.

26. No standing order of the Council shall be suspended, unless three fourths
of the members present consent thereto—nor shall any rule in order be repealed
or amended, without one day's notice being given of the motion therefor—nor
unless a majority of the whole Council shall concur therein.

27. Every member shall take notice of the day and hour to which the Coun-
cil stands adjourned, and give his attendance accordingly.

28. All committees, except such as the Council determine to select by ballot,
shall be nominated by the President.

29. No member shall be obliged to serve on more than two committees at the
same time, nor be chairman of more than one.

30. All memorials, and other papers addressed to the Council, shall be pre-
sented by the President, or by a member in his place, who shall explain the sub-
ject thereof, and they shall lie on the table to be taken up in the order in which
they were presented, unless the Council shall otherwise direct.

31. Standing Committees shall be appointed on the following subjects, viz: on
the Finances, on Public Instructions, on Public Lands and Buildings, on Elec-
tions and returns, on enrolled Ordinances, on laying out and widening Streets,
on paving and repairs of streets, on common sewers and drains, on internal
health, on accounts, and on the House of Industry.

32. No committee shall sit during the sitting of the Council without special
leave.

33. The rules of proceedings in Council, shall be observed in Committee of
the whole, so far as they be applicable, excepting the rule limiting the times of
speaking; but no member shall speak twice to any question, until every mem-
ber choosing to speak, shall have spoken.

34. In all elections by ballot, of Committees of the Council, the person hav-
ing the highest number of votes shall act as Chairman, and when the committee
is nominated by the Chair, the person first named shall be Chairman; but in
Rules and Orders.

Case of his absence, the committee shall have power to appoint a Chairman pro tempore. When a committee is chosen by ballot, and no one of the members chosen shall appear to be Chairman according to the ballot given in, the committee shall choose a Chairman.

35. All ordinances and resolutions shall have two several readings before they be passed by the Council; they shall then be enrolled by the Clerk, and the committee on enrolled ordinances, shall examine and certify that they are duly enrolled.

36. No ordinance or resolution imposing penalties, or authorising the expenditure of money, shall have more than one reading on the same day.

37. The seats of the Common Council Board shall be numbered and determined by lot, and no member shall change his seat, but by permission of the President.

38. All committees of the Council shall consist of three members, unless a different number be specially ordered; and no report shall be received from any committee, unless agreed to in committee actually assembled, and all reports shall be in writing.

39. The Clerk shall keep brief minutes of the votes and proceedings of the Council, entering thereon all accepted Resolutions; shall notice reports and Memorials, and other papers submitted to the Board, only by their titles, or a brief description of their purport; but all accepted reports shall be entered at length, in a separate journal to be kept for that purpose, and provided with an index.

40. All salary officers shall be chosen by written ballot.

41. Members of the Council may attend meetings of any of its committees, but shall not vote thereat.

42. It shall be the duty of the Clerk of the Common Council, to keep the records of committees requiring that service, and he shall on the appointment of every Standing and Building committee, provide the Chairman thereof with suitable blank books for that purpose.

And the said Clerk shall have the custody of the minutes so kept, which, like all other records shall be subject to the inspection of the members of the City Council.

43. The Clerk shall in ten minutes after the hour to which the Council was adjourned has arrived, call the roll of the members, and record on his minutes the names of the absentees.
CITY COUNCIL.

ELISHA BARTLETT, MAYOR.

ALDERMEN.

William Austin,  Benjamin Walker,
Seth Ames,      Oliver M. Whipple,
Aaron Mansur,   Alexander Wright.

COMMON COUNCIL.

JOHN CLARK, PRESIDENT.

Henry J. Baxter,  John Mixer,
Jonathan Bowers,  Thomas Nesmith,
George Brownell,  David Nourse,
James Cook,      Thomas Ordway,
David Dana,      James Russell,
Erastus Douglass, John A. Savels,
Josiah B. French, Sydney Spalding,
Cyril French,    Weld Spalding,
Samuel Garland,  Jonathan Tyler,
Horatio W. Hastings, Tappan Wentworth,
Horace Howard,   William Wyman,
Stephen Mansur,

CITY CLERK,

SAMUEL A. COBURN.
JOINT STANDING COMMITTEES.

ON FINANCE.


PUBLIC LANDS AND BUILDINGS.

Seth Ames, Horace Howard, Cyril French, William Wyman, Alexander Wright.

LAYING AND WIDENING STREETS.


PAVING AND REPAIRING STREETS.

Benjamin Walker, Stephen Mansur, Erastus Douglass, John A. Savels, Aaron Mansur.
Joint Standing Committees.


Common Sewers and Drains.


INTERNAL HEALTH.


IN CHARGE OF CITY HALL.


CITY DEBT.

Mayor. Pres't Clark, George Brownell.

ORDINANCES.

William Austin, Oliver M. Whipple. Stephen Mansur, Tappan Wentworth, Josiah B. French.

ON ACCOUNT.

Standing Committees.

STANDING COMMITTEES IN BOARD OF ALDERMEN.

ON BILLS AND ORDINANCES.
Seth Ames,
Alexander Wright.

TO INSTRUCT SUPERINTENDENT OF STREETS.
Benjamin Walker,
Aaron Mansur.

STANDING COMMITTEES IN COMMON COUNCIL.

PUBLIC INSTRUCTION.
Thomas Ordway,
George Brownell,
Tappan Wentworth.

ELECTIONS AND RETURNS.
Thomas Nesmith,
Horatio W Hastings,
David Nourse.

ENROLLED ORDINANCES.
Josiah B. French,
Sydney Spalding,
Stephen Mansur.
Officers of City Government.

House of Industry.
John Mixer,
Weld Spalding,
Samuel Garland.

Officers of
City Government.

School Committee.

Elisha Bartlett, Mayor, ex officio.

Emuel Porter,
Amos Blanchard,
Jacob Robbins.

John O. Green,
John A. Knowles,
Thomas Hopkinson.

Jacob Robbins Sec'y of Board.

Health Commissioners.

John O. Green,
Gilman Kimball,
Alvah Mansur,

Jona Morse, 2d.,
Ephraim Wood.

Assessors.

James H. B. Ayer,
Jesse Fox,
Asaer W. Buttrick,

Hazen Elliot,
Joel Stone, Jr.
Officers of City Government.

Auditor of Accounts,
John Nesmith.

City Treasurer,
William Davidson.

Collector of Taxes,
Bryan Morse.

Superintendent of Streets,
Alvah Mansur.

City Marshall,
Zaccheus Shed.

Constables and Tythingmen.
Zaccheus Shed, J W. B. Gilman,
James Fisher, Joseph Parker,
William Fisk, Lewis McIntier,
David G. Greenleaf, Henry Smith,
Norton Robinson, Charles E. Francomb.

Fire Department.

Charles L. Tilden, Chief Engineer.

Assistants.
Richard Fowler, Peter H. Willard,
George W. Low, John Mead,
Officers of City Government.

William Fisk, John B. Goodwin, 
Levi Thaxter, Caleb M. Marvel, 
Joel Stone, Jr., Joseph G. Kittredge, 
Thomas P. Goodhue, George W. Gilman.

MEASURERS OF WOOD AND BARK.

Jonathan Stevens, James H. B. Ayer, 
William Wade, Jonathan Morss.

WEIGHERS OF HAY.

Joseph G. Kittredge, Dudley J. Marston, 
Isaac Page.

SEALER OF WEIGHTS AND MEASURES, 
SEWALL FISKE.

MEASURERS OF LATHING, PLAISTERING AND PAINTING.

Samuel Willard, 
Joshua Abbot.

SURVEYORS OF LUMBER.

James H. B. Ayer, Henry Fletcher, 
Jonathan Bowers, Stephen Brown, 
Horace Howard, Gilbert Ferren.

CITY CRIER, 
JOHN BENNETT.
Officers of City Government.

POUND KEEPER,
REUBEN BUTTERFIELD.

FIELD DRIVERS.
Christopher Flanders, John Vining,
Moses Cheever, Thomas Jameson,
Simeon Moore,

HOG REEVES.
Simeon Moore, Phinehas Wheeler,
John Vining, James V. Atkinson,
Thomas Jameson,

FENCE VIEWERS.
John Bennett,
Aaron H. Sherman.

AUCTIONEERS.
Edward P. Offutt, Bethuel T. Cross,
Joseph Parker, John Adams.
DOES NOT CIRCULATE