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ORDINANCES

AND

BY-LAWS

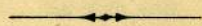
OF THE

TOWN OF PARSONS,

TUCKER COUNTY, W. VA.

TO WHICH IS ATTACHED

THE ACT OF INCORPORATION.



KEYSER, W. VA.
ECHO STEAM PRINTING HOUSE.
1893.

ORDINANCES

AND

BY-LAWS

OF THE

TOWN OF PARSONS,

TECKER COUNTY, W. VA.

TO WHICH IS ATTACHED

THE ACT OF INCORPORATION.

BY

M. H. STEAM PRINTING HOUSE

1881

OFFICERS OF THE CORPORATION.



MAYOR :

C. LIPSCOMB.



COUNCILMEN :

JOHN HAMILTON,
L. W. PARSONS,

T. G. McKINNEY,
JOHN R. SEILER,

E. COFFMAN.



RECORDER.

C. J. McKINNEY.

OFFICERS OF THE CORPORATION

MAYOR:

O. LIPSCOMB

COUNCILMEN:

JOHN HAMILTON

L. W. PARSONS

E. G. McINTYRE

JOHN R. SELLER

E. CORTMAN

RECORDER

C. J. McINTYRE

CHAPTER I.

CHARTER

OF THE

TOWN OF PARSONS.

STATE OF WEST VIRGINIA,

At a Circuit Court (Law side) held in and for the county of Tucker, at the Court House thereof, on Monday, the 12th day of June, 1893.

Present the Hon. J. Hop Woods, Special Judge, etc.

INCORPORATION OF THE TOWN OF PARSONS.

A certificate, under oath of C. J. McKinney, J. M. Parsons and John Currence was this day filed, showing that a majority of all the qualified voters residing in the following boundary:

Beginning at a small red oak with chestnut and two small white oak pointers on the bank of Shaffer's fork, opposite L. D. Corrick's fence, through his bottom towards the river; thence N. $62\frac{1}{2}^{\circ}$ W. $103\frac{1}{2}$ poles to a large red oak in L. D. Corrick's field, above his house; thence N. 5° W. $97\frac{1}{2}$ poles to a beech with poplar, gum and two chestnut pointers;

thence N. 23° W. 126 poles to a stone against a bank about 4 poles north of a drain; thence N. 75° E. 190 $\frac{3}{4}$ poles crossing the river and mill race to two small white oak saplings on the bank of Black Fork; thence S. 54 $\frac{1}{2}$ ° E. 26 poles and 4 links to a point of the river bank; thence S. 39° 10' E. 210 poles to a point on the bridge across Black Fork; thence S. 56° W. 225 poles, have been given in due form of law in favor of the incorporation of the town of Parsons, in the county of Tucker and state of West Virginia, bounded as herein set forth. And it appearing to the satisfaction of the Court that all the provisions of chapter 47 of the Code of West Virginia have been complied with by the applicants of said incorporation, the said town of Parsons is duly authorized within the corporate limits aforesaid to exercise all the corporate powers conferred by the said chapter, from and after the date of this certificate.

A COPY, TESTE:

C. W. MINEAR,
CLERK.

CHARTER

OF THE

TOWN OF PARSONS.

State of West Virginia

At a Circuit Court (Law side) held in and for the county of Tucker, at the Court House thereat, on Thursday, the 12th day of June,

1888.

Present the Hon. J. Hop Woods, Special Judge, etc.

INCORPORATION OF THE TOWN OF PARSONS.

A certificate under seal of C. J. McKinney, J. H. Parsons and John Guinnee was this day filed showing that a majority of all the qualified voters residing in the following boundary:

Beginning at a small white oak sapling distant and two small white oak pointers on the bank of Shaffer's fork, opposite J. D. Corrick's farm, through his bottom towards the river, thence N. 62 $\frac{1}{2}$ ° W. 105 $\frac{1}{2}$ poles to a large red oak in J. D. Corrick's field above his house, thence N. 75° W. 97 $\frac{1}{2}$ poles to a peach with poplar gum and two chestnut pointers;

CHAPTER II.

PREScribing STANDING RULES FOR THE GOVERNMENT OF THE COUNCIL OF THE TOWN OF PARSONS.

RULE.

- 1 Meeting, when held.
- 2 Power to call special meetings.
- 3 Mayor to preside at all meetings.
- 4 In the absence of the Mayor the Recorder to preside; in the absence of both, a Councilman may preside; their powers and duties.
- 5 On questions of order.
- 6 How a member transgressing the rules, called to order, may explain by permission.
- 7 How appeals shall be allowed.
- 8 How the question upon appeals shall be put.
- 9 Every member to vote unless excused.
- 10 When motions to be in writing.
- 11 A motion—when debatable—when it may be withdrawn.
- 12 Order of proceedings.
- 13 Minutes preceding meeting—to be read, signed, and attested.
- 14 The order of proceedings—how suspended or changed.
- 15 How questions put and vote taken.

RULE.

- 16 Of the previous question.
- 17 A division of the question.
- 18 When ayes and nays to be taken and recorded.
- 19 Any one member may enter a protest.
- 20 How Council called.
- 21 Of first and second reading of an ordinance.
- 22 Of privileged motions.
- 23 A motion to adjourn always in order.
- 24 Motions not debatable.
- 25 Of the recommitment of an ordinance or a resolution.
- 26 Of filling blanks.
- 27 Committees—how appointed.
- 28 Of standing committees.
- 29 The number of each committee.
- 30 The reports to be in writing.
- 31 Leaves of absence.
- 32 Charges against town officers.
- 33 Order of debate.
- 34 Passage of ordinances.
- 35 Petition for remission of fines.

SECTION 1.—*Be it ordained by the Council of the Town of Parsons, That the following standing rules shall be and the same are hereby prescribed for the government of the Council.*

RULE 1. The meetings of the Council shall be held at the Council Chamber, at such times as may be fixed by general order or special order of adjournment.

RULE 2. The Mayor, presiding officer of the Council, or any three members, shall have power to call special meetings, by reasonable notice to each member within the town.

RULE 3. The Mayor shall take the chair at the hour appointed for the Council to meet, and having called the members to order, shall preserve decorum and enforce a strict observance of the rules.

RULE 4. In the absence of the Mayor, the Recorder shall preside, and in the absence of the Mayor and Recorder, the Council may appoint a chairman, or presiding officer, by a vote of a majority of the members present, who shall exercise all the powers, and discharge all the duties pertaining to the office of Mayor during the absence of the Mayor or Recorder.

RULE 5. All questions of order shall be decided by the Mayor, or other presiding officer, subject to an appeal to the Council.

RULE 6. If any member transgress the rules of the Council, the Mayor, or presiding officer shall, or any member may call him to order; in which case the member called to order shall immediately sit down and be silent, unless permitted by the Council to explain, and the Council, if applied to, shall decide the matter.

RULE 7. An appeal from the decision of the Mayor, or other presiding officer, upon a question of order, shall be allowed to be put only upon the demand of two members beside the applicant.

RULE 8. The question upon an appeal shall be put in the following form: "Shall the decision of the chair be reversed?"

RULE 9. Every member present when a vote is put, shall vote, unless the Council for special reasons shall excuse him.

RULE 10. Every motion or proposition shall be reduced to writing if the Mayor or any member require it.

RULE 11. When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the Mayor, or being in writing, read by the Recorder, previous to debate; such motion may be withdrawn at any time before decision or amendment, by consent of the Council.

RULE 12. The order of proceedings at the meetings of the Council shall be as follows:

First—The unfinished business appearing on the minutes.

Second—The reports from committees.

Third—Reports from any officer or officers of the town.

Fourth—Petitions of all kinds.

Fifth—Original propositions from any member.

RULE 13. At each meeting the journal of the preceding meeting shall be first read, and being enacted, if necessary, shall be signed by the Mayor and attested by the Recorder.

RULE 14. The order of proceedings may be suspended or changed at any meeting, for the time only, by a vote of a majority of the members present.

RULE 15. All questions shall be put in this form—"as many as are in favor, (as the case may be,) Say Aye!" "Contrary, No!"—and in doubtful cases, or where an affirmative vote of two-thirds of the members present is necessary to carry the proposition, the Mayor may direct, or any member may call for a division.

RULE 16. The call for the previous question shall be decided by the following proposition: "Shall the main question be put?" The call to be admitted only on the demand of two members, and until decided shall preclude all amendment or debate of the main question.

RULE 17. Any member may call for a division of the question when the same will admit thereof.

RULE 18. The ayes and nays shall be taken and recorded upon any question before Council upon the demand of any one member, but such call shall not preclude amendments before the main question is put.

RULE 19. Any one member shall have the liberty to protest against any ordinances of the Council which he may think injurious to the public or any individual, and have the reasons of his protests entered upon the journal.

RULE 20. When the Council are called, the names shall be in alphabetical order.

RULE 21. The first reading of an ordinance proposed shall be for information, and if objections be made, the question shall be, "Shall the proposition be rejected?" If no objection be made, or the question to reject be lost, the ordinance shall go to a second reading without further question, after which it shall be subject to amendment or debate.

RULE 22. When a question is before the Council, no motion shall be received unless to amend, postpone or commit, the main question, or to adjourn.

RULE 23. A motion to adjourn shall always be in order, unless the Council is engaged in voting.

RULE 24. Motion to adjourn or lay on the table, shall be decided without debate.

RULE 25. An ordinance or resolution, after reference to a committee and a report thereon, may be recommitted at any time previous to its final passage.

RULE 26. In filling blanks, the first name, the longest time or the largest sum shall be first put.

RULE 27. All standing committees shall be appointed by the Council; all select committees shall be appointed by the Mayor, unless otherwise ordered by the Council.

RULE 28. The standing committees shall be as follows, viz :

On Ordinances. On Finance. On Streets and Alleys. On Sanitary Affairs.

RULE 29. The standing committees shall each consist of three members, unless otherwise ordered at the time.

RULE 30. All reports of committees, if ordered by the Council, shall be in writing, signed by the members or chairman, and shall specify in the form of a resolution or ordinance at the close of the report, such action in the premises as the committee may recommend as proper for the Council to adopt.

RULE 31. No member shall leave a meeting of the Council without permission.

RULE 32. Charges against any officer of the town shall be preferred in writing and verified by affidavit, and having been read, shall be laid on the table or referred to a committee for investigation without debate.

RULE 33. When a member is about to speak, he shall rise and respectfully address himself to the Mayor, and the Mayor shall pronounce the name of the member entitled to speak when more than one member shall claim that right at the same time, but no member shall speak more than twice on the same question without leave from the Council.

RULE 34. No ordinance shall be put on its final passage until it shall have passed its third reading.

CHAPTER III.

ORDINANCES OF THE TOWN OF PARSONS.

AN ORDINANCE

ADOPTED AT A MEETING OF THE COUNCIL HELD ON THE
19th DAY OF AUGUST, 1893, ENACTING, ORDAINING
AND PUBLISHING THE ORDINANCES OF
THE TOWN OF PARSONS.

SEC. 1 Ordinances.

SEC. 2 Rules of Construction.

SEC. 3 In Force from Passage.

Be it ordained by the Council of the Town of Parsons:

Section 1. That the ordinances of the Town of Parsons be and are hereby enacted, ordained, ratified, published and declared to be in full force and effect as follows, to wit:

ORDINANCE I.

CONCERNING ELECTIONS.

SECTION.

- 1 Time and Place of holding Election.
- 2 Appointment of Commissioners and Clerks.
- 3 When Polls to be opened.
- 4 Oaths of Officers of Election.
- 5 Voters, who are.
- 6 Recorder to provide poll books.
- 7 How poll books headed.

SECTION.

- 8 Method of voting and duty of Commissioners.
- 9 Poll books and ballots to whom delivered.
- 10 Result declared.
- 11 Failure to qualify.
- 12 Contest.
- 13 Allowance of Commissioners, etc.

Be it ordained by the Council of the Town of Parsons:

Section 1. That the annual Town election shall be held on the first Thursday in January, at such place as the Council may designate.

Special elections for special purposes may be held at such time and place as the Council may designate.

Sec. 2. The Council shall, before each annual election, appoint three voters, residents of the town, to act as Commissioners of the election, and said Commissioners shall appoint two clerks to assist in holding said election. Any one or more of said Commissioners, in the absence, or refusal, or inability of the others to act, may call to his or their assistance any qualified voter or voters present to act as such Commissioner or Commissioners. And if none of the Commissioners so appointed attend the place of voting, or if in attendance, all of said Commissioners fail or refuse to act, any three voters of the town may be appointed by the voters present to act as such Commissioners.

Sec. 3. The polls shall be opened as soon as practicable after sunrise and shall be closed at sunset.

Sec. 4. Every Commissioner and Clerk, so appointed as aforesaid, shall before entering upon the discharge of his duties, take and subscribe an oath to the following effect: "I, A. B., do solemnly swear that I will support the Constitution of the United States and the Constitution of this State, and that in the election about to be held, I will faithfully and impartially discharge the duties of my appointment to the best of my skill and judgment. So help me God." Said oath may be taken before any person authorized to administer oaths; and shall appear properly certified on one of the poll books of every election.

Sec. 5. All persons who have been *bona fide* residents of the town for sixty days next preceding an election held therein, and who are qualified voters under the Constitution and Laws of the State, and none others, shall be entitled to vote at any election held in said town.

Sec. 6. The Recorder shall at the expense of the town, provide and cause to be delivered in proper time, at the place of voting, two poll books, with the oaths of the Commissioners and Clerks written or printed thereon, ballot boxes, tally papers for returns, and whatever else is necessary for holding the election and making due return thereof.

Sec. 7. Every poll book shall bear on the first page thereof, the following heading: "Names of all persons voting at the election in the town of Parsons, this — day of —."

Sec. 8. The method of voting, and the duties of the Commissioners in conducting said election and ascertaining the result, shall be the same as that prescribed by the Statutes of this State in regard to general elections.

Sec. 9. The Commissioners, or one of them, shall within one day

after the day on which the election was held, deliver the ballots, sealed up as provided by law, and one set of the poll books and one of the certificates provided by law, to the Recorder, and the other certificate and set of poll books to the Clerk of the County Court of Tucker County.

Sec. 10. The Council shall, on the following Thursday after the election, meet and examine the returns of the Commissioners, declare the result, and cause certificates to be issued to the successful candidates, if required. The proceedings of such meeting and the result of said election shall be entered upon the journal as the proceedings of other meetings, and the Council shall at said meeting, upon the demand of any candidate voted for at such election, open and examine the sealed package of ballots and recount the same, but in such case they shall seal up the same again along with the original envelope in another envelope.

Sec. 11. If any person elected to an office shall fail to qualify within twenty days after his election, he shall be deemed to have abandoned any claim to the office, and the Council shall proceed at once to fill the vacancy.

Sec. 12. Before proceeding to declare the result of any election, the Council shall hear and determine any contest. If any person desires to contest any election, he shall file notice thereof with the Recorder within two days after such election, and shall give a similar notice to the party affected thereby. The Mayor shall thereupon at once convene the Council to hear and determine such contest.

Sec. 13. Every Commissioner and Clerk shall be allowed one dollar and fifty cents for each day he shall serve.

ORDINANCE II.

CONCERNING OFFICERS' DUTIES, FEES, ETC.

SECTION.

- 1 Appointments, Vacancies—how filled.
- 2 Duties and Powers of Officers and Oath.
- 3 Right to vote in Council.
- 4 Mayor.
- 5 Recorder.
- 6 Assessor.
- 7 Sergeant.

SECTION.

- 8 Lamp-lighter.
- 9 Finance Committee.
- 10 Street Committee.
- 11 Ordinance Committee.
- 12 Salary of Officers.
- 13 Witness Fees.
- 14 Officers' Fees.
- 15 Neglect of Duty.

Be it ordained by the Council of the Town of Parsons.

Sec. 1. The Council shall annually at its first meeting in February, or as soon thereafter as practicable, appoint a Town Sergeant, an Assessor, a Superintendent of Streets, Roads and Alleys, and such other officers as may be deemed proper, to continue in office at its pleasure. All officers shall continue in office until their successors are duly qualified. Vacancies in the office of Mayor, Recorder, or in the Council, shall be filled by appointment by the Council from among the citizens of the town until the next regular election.

Sec. 2. The duties and powers of the various officers shall be as prescribed by the Statutes of the State of West Virginia, relating to the incorporation of towns and villages, except as modified by ordinance or resolution of the Council. Before entering upon the discharge of his duties, every person elected or appointed to office in said town, shall within twenty days after his election or appointment, take and subscribe the following oath or affirmation: "I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully discharge the duties of the office of———of the town of Parsons, to the best of my skill and judgment, so help me God." The oath shall be taken before the Mayor or any person authorized to administer oaths, and a certificate thereof shall be filed with the Recorder, within five days after the taking of said oath.

Sec. 3. No member of the Council shall vote upon an order, measure, resolution, or proposition in which he may be interested, other than as a citizen of said town. The Mayor and Recorder shall have votes as members of the Council, and in case of a tie the presiding officer, for the time being, shall have the casting vote.

Sec. 4. The Mayor shall be the chief executive officer of the city, town or village, and shall take care that the orders, by-laws, ordinances, acts and resolutions of the Council thereof, are faithfully executed. He shall be *ex officio* a justice and conservator of the peace within the city, town, or village, and shall within the same, have, possess, and exercise all the powers, and perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases of causes of action arising out of the corporate limits of the city, town, or village. He shall have the same power to issue attachments in civil suits as a justice of his county has, though the cause of action arose out of his city, town, or village. But in such cases he shall have no power to try the same, but such attachments shall be returnable and be heard before some justice of his county. Any warrant or other process issued by him may be executed at any place within the county. He shall have control of the police of the city, town or village, and may appoint special police officers whenever he deems it necessary; and it shall be his duty especially to see that the peace and good order of the city, town or village are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city, town, or village before issuing his warrant therefor. He shall have power to issue executions for all fines, penalties, and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment, he may commit the party in default, to the jail of the county in which such city, town, or village is situated, or other place of imprisonment in such corporation, if there be one, until the fine or penalty and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the Council such measures as he may deem needful for the welfare of the city, town, or village. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment, or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty eight of chapter fifty of this code, shall be paid by the city, town, or village. But such Mayor shall not receive any money belonging to the State, or to individuals, unless he shall give the bond

and security required of a justice of the peace by chapter fifty of this code; and all the provisions of said chapter relating to moneys received by justices shall apply to like moneys received by such Mayor.

Sec. 5. It shall be the duty of the Recorder to keep the journal of the proceedings of the Council, and have charge of and preserve the records of the city, town, or village. In the absence from the city, town or village, or sickness, of the Mayor, or during any vacancy in the office of Mayor, he shall perform the duties of the Mayor and be invested with all his powers.

Sec. 6. It shall be the duty of the Assessor to make an assessment of the property within the city, town, or village, subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and return the same to the Council on or before the first day of May in each year, and for this purpose he shall have all the powers conferred by law on the county assessors. He shall list the number of dogs in the city, town, or village, and the names of persons owning the same, which list shall be returned to the Council.

Sec. 7. It shall be the duty of the Sergeant to collect the city, town, or village taxes, fines, levies and assessments, and in case the same are not paid within one month after they are placed in his hands for collection, he may distrain and sell therefor in like manner as the officer collecting the State taxes may distrain therefor, and he shall have in all other respects, the same power to enforce the payment and collection thereof. And the said Sergeant shall have all the powers, rights and privileges within the corporate limits of such city, town, or village, in regard to the arrest of persons, the collection of claims and the execution and return of process that can be legally exercised by the Constable of a district within the same, and he shall be entitled to the same compensation therefor, and he and his sureties shall be liable to all the fines, penalties and forfeitures that a Constable of a district is liable to for any failure or dereliction in said office, to be recovered in the same manner and in the same courts that the said fines, penalties and forfeitures are now recovered against such Constable. The Sergeant shall, before entering upon the duties of his office, execute a bond, conditioned according to law, with surety satisfactory to the Council, payable to the city, town, or village, in such penalty, not less than one thousand dollars, as the Council may prescribe.

It shall be the duty of the Sergeant at least once in six months, during his continuance in office, and oftener if required by the Council, to render an account of the taxes, fines, penalties, assessments and other

claims in his hands for collection, and return a list of such as he shall not have been able to collect, by reason of insolvency, removal, or other cause; to which list he shall make an affidavit that he has used due diligence to collect the same, but has been unable to do so; and if the Council shall be satisfied of the correctness of said list, it shall allow the Sergeant a credit for said claims. He shall receive for his services in the collection of taxes and assessments, a compensation to be fixed by the Council, of not exceeding five per centum on the amount duly collected and accounted for. He shall pay any money in his hands belonging to the city, town, or village upon the order of the Council.

If the Sergeant shall fail to collect, account for, and pay over all or any of the moneys with which he may be chargeable, belonging to the city, town, or village, according to the conditions of his bond and the orders of the Council, it shall be lawful for the Council to recover the same by action or motion, in the corporate name of the city, town, or village, in the circuit court of the county in which the same is situated; or, where the sum does not exceed three hundred dollars, before a justice of the district in which the same is situated, against the Sergeant and his sureties, or any or either of them, or his or their executors or administrators, on giving ten days notice of such motion.

Sec. 8. The Lamp-lighter shall have charge of all town lamps; fill, light, and keep them clean and in good repair; oil, matches, and repairs shall be purchased and paid for by the town.

Sec. 9. The Finance Committee shall examine all accounts and see that they are correct, report on all bonds, make settlement with the various officers; annually make up and report the necessary expenditures, and perform any duty that may be required of them by the Council.

Sec. 10. The Street Committee shall have charge of the streets, alleys, sidewalks, bridges, culverts, sewers, lamps and other property of the town. They shall see that the same are kept free from obstruction, clean, and in good repair. They shall, from time to time, recommend such improvements as ought to be undertaken by the Council, and report the probable expense thereof, and perform such other duties as may be required.

Sec. 11. The Committee on Ordinances shall have charge of all legal matters, shall draft, examine and recommend necessary ordinances orders, resolutions, and rules, and perform such other duties as may be required of them.

Sec. 12 The Mayor, Recorder, Assessor, and Superintendent of Roads, Streets, and Alleys, shall each receive a compensation for his services, to be fixed by the Council, which shall not be increased nor diminished during the term for which he shall have been elected. The Lamp-lighter and other officers appointed by the Council shall receive such compensation as may be allowed by the Council from time to time.

Sec. 13 Witnesses for the Town shall be allowed the same fees as witnesses before a Justice.

Sec. 14. The following officers shall also be entitled to charge the following fees, to be taxed as part of the costs in any case, or to be paid by the party at whose instance the services are rendered, but in no instance to be paid out of the treasury, to-wit:

The Mayor, for all services in a case before him, the same fees as a Justice of the Peace.

The Sergeant, or other police officer, for making an arrest, one dollar, when the body is actually taken. For other services, the same fees as a constable in similar cases.

The Recorder for making copies from books or papers in his possession, a specific fee of twenty-five cents, or in lieu thereof, ten cents for every hundred words.

Sec. 15. Any officer who shall knowingly neglect any of the duties of his office as prescribed by an ordinance or resolution of the Council, shall on conviction thereof before the Mayor, forfeit and pay a fine of not less than one nor more than twenty dollars, and may be removed from office by the Council.

ORDINANCE III.

CONCERNING PROCEEDINGS FOR THE ENFORCEMENT OF FINES.

SECTION

- 1 Summons or Warrant.
- 2 Summons—when to be Issued.
- 3 Trial.
- 4 Warrant of Arrest.
- 5 Contempts and resistance of Officers.
- 6 Conduct of Officers.
- 7 Neglect of Officers to report offences or execute warrants, etc.

SECTION

- 8 Execution of Process.
- 9 Execution of Fines and Imprisonment.
- 10 Remission of Fines.
- 11 Mayor to keep a Docket.
- 12 Costs—how paid.

Be it ordained by the Council of the Town of Parsons:

Section 1. Proceedings for the enforcement of all fines shall be by summons or warrant of arrest issued by the Mayor, except when an offense is committed in the presence of any police officer, member of the Council or the Mayor, such officers may cause the offender to be immediately apprehended without summons or warrant.

Sec. 2. Upon reasonable information that an offence has been committed by any person against any of the ordinances, the Mayor shall issue a summons in behalf of the town to the Sergeant or any policeman, commanding him to summon the accused at the time and place therein set forth, to answer the charge, setting it forth with sufficient certainty to give the accused full information of its nature. Such summons shall be served and returned as summons in a civil case before a justice of the peace.

Sec. 3. If the accused appear at the time of the return, the matter shall at once be tried, unless for good cause a continuance be granted. If the accused fail to appear after the summons has been duly served, and a reasonable time has elapsed between the service and return day, the Mayor shall examine the evidence, and if the accused shall be found guilty, render a judgment for a reasonable fine as though he had appeared and plead. The Mayor may set aside any judgment and grant a hearing for good cause within ten days after payment rendered.

A party charged with an offence may appear without a written summons and submit himself to the jurisdiction of the Mayor. In such case the trial shall proceed as though summons had been served.

Sec. 4. Upon information under oath, which shall be reduced to writing and signed by the complainant, the Mayor shall issue a warrant in the name of the State of West Virginia, directed to the Sergeant or any policeman, requiring him to forthwith apprehend and bring before him the party accused to answer the charge, setting it forth as in case of a summons. The accused, when apprehended, shall be tried as in other cases, and may be detained in custody or released on bail, in the discretion of the Mayor, until the case is finally disposed of. If in any proceeding, whether by summons or warrant, the accused be adjudged guilty, the Mayor may require immediate payment of the fine and costs, and in default thereof, may imprison the offender until the fine and costs thereof be paid, provided such imprisonment shall not exceed thirty days.

Sec. 5. For any abusive or contemptuous language or conduct toward the Mayor while in the discharge of his official duties, or any resistance to or obstruction to an officer in discharge of his official duties, any person may at once be apprehended without warrant and adjudged to pay a fine of not exceeding \$25.00, and be imprisoned in the county jail not exceeding two days.

Sec. 6. Any officer while in the discharge of his official duties, who shall use any profane or filthy language, or who shall conduct himself in an insolent, overbearing or abusive manner towards any peaceable or law-abiding citizen of the town, or any peaceable stranger therein, or who shall use undue violence in making an arrest, or who shall become intoxicated or loaf about houses of ill-fame, gambling and saloons, or other places of bad repute, where his duties do not require his presence, shall forfeit and pay a fine not exceeding one hundred dollars.

Sec. 7. If the Sergeant or any police officer shall fail or neglect for an unreasonable time to report any offence against any ordinance that may have come to his knowledge from any source whatever, or shall neglect to execute any order of the Council, or any summons or warrant for an unreasonable time, he shall be liable to pay a fine not exceeding one hundred dollars.

Sec. 8. For the purpose of executing any warrant of arrest, order of the Mayor or Council, or of preventing the commission of any offence, or arresting a person in the act of committing an offence, or a

fugitive from justice or for the purpose of abating any nuisance, it shall be lawful for the Mayor or any Sergeant or police officer to enter any building, house, outhouse, garden, lot, or place of amusement.

Sec. 9. In case the offender is not in custody or present at the trial, the Mayor may issue such executions, including a *capias pro fine*, as he may deem necessary to secure the payment of any fine. Imprisonment on a *capias pro fine*, or in default of the payment thereof, shall not be deemed a satisfaction of the fine; but an offender shall not be liable to imprisonment for more than thirty days by reason of a failure to pay any one fine.

Sec. 10. The Council may, on a proper application, remit in part or in whole any fine or penalty which shall be made to appear plainly unjust, illegal, or excessive. Petitions for the remission of fines shall be in writing, and set out the grounds for the application, and be accompanied with the necessary affidavits to establish the truth of the allegation therein contained. Such petitions shall be referred to the Ordinance Committee for careful investigation and report before being acted upon by the Council.

Sec. 11. The Mayor shall keep a record of all proceedings before him in a docket to be furnished by the Council, which shall always be open to public inspection. He shall annually, before the first day of February in each year, lay a statement of the fines imposed by him before the Finance Committee.

Sec. 12. An offender against whom a fine is imposed shall pay the necessary costs of his conviction. Prosecutors may be required to enter themselves security for costs, and in such cases if it appears the prosecution was instituted out of malice and without good cause, judgment may be given against the prosecutor for costs.

ORDINANCE IV.
CONCERNING OFFENCES AND THEIR
PUNISHMENT.

SECTION	SECTION
1 General Prohibition.	28 Bathing.
2 Bad Conduct, Profanity.	29 Selling provisions.
3 Public Indecency, Drunkenness.	30 Poisoning Springs.
4 Indecent Pictures, Prints.	31 Dead Animals, etc.
5 Riot, Noise, Tumult.	32 Infectious Diseases.
6 Assault and Battery.	33 Blowing Whistles.
7 Idleness and Vagrancy.	34 Posting Bills.
8 Annoying Conduct.	35 Jumping on trains.
9 Injuring Property.	36 Animals Going at Large.
10 Slop, Water, etc.	37 Killing Birds.
11 Obstructing Streets.	38 Sunday.
12 Obstructing Sewers, etc.	39 Church Goers.
13 Digging up Streets.	40 Disorderly Behavior.
14 Obstructing Sidewalks.	41 Church Doors.
15 Cellar Doors.	42 Disturbing Religious Meetings, etc.
16 Playing on Streets.	43 Houses of Ill-fame.
17 Racing.	44 Lewd Women.
18 Slaughter House.	45 Prostitution.
19 Burning Shavings.	46 Fornication.
20 Cess Pools, etc.	47 Gaming.
21 Firing Guns.	48 Gambling Rooms.
22 Powder.	49 Lottery.
23 Cruelty to Animals.	50 Without License.
24 False Alarm of Fire.	51 Hindering Officers.
25 Lanterns and Stables.	52 Punishment.
26 Unlawful Weapons.	
27 Bridges, Riding, etc.	

Be it ordained by the Council of the Town of Parsons:

Section 1. It shall be unlawful for any person to do or cause to be done any act or thing contrary to the laws of morality, decency, and good behavior, that may infringe upon the rights of another.

Sec. 2. It shall be unlawful for any person to commit or perpetrate any indecent, immodest, lewd, or filthy act, or to utter any lewd, filthy, or profane language in any street, alley, or other public place, or in any private place, to the annoyance of the public.

Sec. 3. It shall be unlawful for any person to make any indecent or immoral exhibition or exposure of his person, or to cause, or to pro-

cure any person to do the same in the presence or view of any other person, or to appear on any street, alley, or other public place, in the state of intoxication.

Sec. 4. It shall be unlawful for any person to publicly exhibit any indecent painting, engraving or print, sculpture, picture or representation, or to print, engrave, make, sell or offer, or exhibit for sale any indecent, immodest or lascivious books, pamphlets, papers, pictures or stationery.

Sec. 5. It shall be unlawful for any person to commit or cause any riot, noise, disorder or tumult, or loud personal abuse of any person by words, to the disturbance, or tending to the disturbance of the peace or quiet of the town.

Sec. 6. It shall be unlawful for any one to commit an assault or battery, or aid and abet, or encourage any one in so doing.

Sec. 7. It shall be unlawful for any person or persons to idly loiter upon, at or near any bridge, dwelling house, church, saloon or hotel, street, alley or sidewalk, or in any vacant lot or board-yard, or to wander about the streets by day or night, not having a known place of abode or means of livelihood, and not able to give a satisfactory account of himself, or to be in any gambling house or room used for the purpose of gambling therein.

Sec. 8. It shall be unlawful for any person on any of the bridges, sidewalks, streets or alleys, to conduct themselves in a manner annoying to persons passing by, or occupants, or residents of adjoining buildings, or to ring any door bell, or rap on any door or window to annoy or deceive the inmates of any house, office, store or shop.

Sec. 9. It shall be unlawful for any person not the owner thereof to cut any shade or ornamental tree, or to deface, remove, injure or destroy any monument or flower, or other thing of value in any field, yard, garden, lot, street, alley or public place, or to maliciously or intentionally engrave, deface, mutilate or destroy any of the bridges or other property of the town, or any bridge, church, school-house, house, fence, railing, wall, or any goods and chattels the property of any other person, without the consent of the owner thereof, or to carry off from any building, enclosure, lot or railroad yard, any property not his own without the consent of the owner of such property or the person having it in custody.

Sec. 10. It shall be unlawful for any person to throw water, slop, offal, ashes, shavings, coal, cinder, mud, dung or other filth from his house, kitchen, stable, hog pen or premises, into or upon any street, al.

ley, sidewalk or public square, or the lot or property of another, or permit or suffer the same to be done by any person in his employment or belonging to his family, or allow any offensive liquid to be discharged from any house, factory or lot upon any street, alley or sidewalk. Nor shall any person suffer or permit the waste water from his house or kitchen to run or flow upon the property of another, or into or upon any street, alley or public square where there are sewers on such street, alley or public square, accessible to such house. In no case shall the waste water be allowed to run over the sidewalks, but the owner of the property shall provide the necessary means to carry such waste water under the sidewalk into the sewer or gutter by a closed drain or piping. Nor shall any person change the natural drainage so as to throw the water from his lot on the lot of another without such other's permission, or on to the streets, alleys or public squares, without the permission of the Council.

Sec. 11. It shall be unlawful for any person to obstruct any street, alley, sidewalk or public square, by allowing any wagon, cart or other vehicle, or any coal, coke, wood, ashes or other filth, or any brick, stone or other material being used in building, or any incumbrance whatever, to remain on such street, alley, sidewalk or public square an unreasonable time. It shall be unlawful to sell at public auction (officers of the law excepted) any goods, wares and merchandise on the streets and sidewalks, or to lead and drive any animals or vehicles, or to roll wheelbarrows, or slide or pull any sled or sleds on any sidewalk except in cases of necessity, or to shoe horses or other work-animals thereon, or to negligently permit any such animals or vehicles to stand on any such sidewalk or street crossing, or to obstruct the streets, alleys and sidewalks for any purpose whatever unnecessarily. And it shall also be unlawful for any person to run or propel any bicycle, tricycle or velocipede on any sidewalk in this town.

Sec. 12. It shall be unlawful for any person to obstruct any sewer or gutter, or to allow any cesspool or privy vault to empty therein.

Sec. 13. It shall be unlawful for any person to dig or break up any of the streets, alleys, sidewalks or public squares without the permission of the Council, or to allow any excavation in a street, alley, sidewalk or public square, to remain open without proper barricades around the same.

Sec. 14. It shall be unlawful for any person, without the permission of the Council, to obstruct the streets, alleys or sidewalks in any manner to any extent by building porches, porticoes, verandas, bal-

conies, bay or show windows, steps, areas, fences, walls or railings, or erecting sign posts, signs, lamps, hitch racks, or awnings, or by continuing any such porches, porticoes, verandas, balconies, bay or show windows, steps, areas, fences, walls, railings, hitch racks, sign posts, signs or awnings already erected on or over any sidewalk, street or alley, after notice in writing to remove the same has been served upon the owner thereof by direction of the Council.

Sec. 15. It shall be unlawful for any person to allow any cellar or area door, window, or coal hole opening up in a sidewalk, street or alley, to be kept open at any time between twilight in the evening and daylight in the morning, without being properly protected and lighted.

Sec. 16. It shall be unlawful for any person to fly a kite, roll a hoop, play at foot-ball, bandy or shinny, or to carelessly ride or drive, or engage in any play, sport or exercise which might produce any bodily injury to any one, or endanger the life or property of any person, on any street, sidewalk, landing, bridge, alley or public square.

Sec. 17. It shall be unlawful for any person to gallop any horse, gelding, mule or ass, or ride or drive any such animal at any improper or dangerous speed, or to run or race any such animal, or start the same for the purpose of running or racing within the alleys or streets; or to suffer any such animal to stand on any street, alley, road or public square without being properly fastened, or being watched by some person competent to prevent the same from starting.

Sec. 18. It shall be unlawful for any person without permission from the Council to keep any slaughter house, or to kill or slaughter for sale any animal within the jurisdiction of the town, and every day such slaughter house shall be so kept shall constitute a distinct offence.

Sec. 19. It shall be unlawful for any person to burn or cause to be burned, any shavings or other combustible in any part of the streets, alleys, public squares or any yard, except workmen whose business necessarily requires out-door fires, nor then, if in the opinion of any two respectable house-keepers, any building might thereby be endangered. Nor shall any person boil oil, tar or varnish within twenty feet of any building.

Sec. 20. It shall be unlawful for any person to remove the contents of any cess pool or privy vault through the streets, except in the night time, after 11 o'clock p. m. to 4 o'clock a. m., and every cart or other vehicle used in the removal or transportation of the contents of any cess-pool or privy vault, shall be so constructed as to be water-tight, and securely covered so that no odor nor any part of the contents shall escape.

Sec. 21. It shall be unlawful for any person without a written permit from the Mayor, to fire or discharge within the corporate limits, except upon his own premises, and then so as not to endanger the life or property, or to disturb any other person unnecessarily, any cannon, gun, pistol, or firearms of any kind, or any cracker, squib, rocket or fireworks, except in case of necessity, or in discharge of a public duty, or at a military parade by order of the officer in command.

Sec. 22. It shall be unlawful to keep in any shop, store or ware house, or other house or building, without special permission of the Council, a greater quantity of powder at any one time than fifty pounds, or any other explosives in dangerous quantities.

Sec. 23. It shall be unlawful for any person to overdrive, overload, torture, torment, deprive of necessary sustenance or unnecessarily or cruelly beat, or needlessly mutilate, kill, or cause or procure to be overdriven, overloaded or tortured, tormented, or deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or needlessly mutilated or killed, as aforesaid, any domestic animal. Nor shall any person keep a cock-pit, or cause any game cocks to fight, or permit the same to be done on his premises.

Sec. 24. It shall be unlawful for any person to wilfully cause a false alarm of fire, or cry "fire," or ring any bell, or do anything creating, or tending to create a false alarm of fire.

Sec. 25. It shall be unlawful for any owner or occupant of any livery or other stable, or any outhouse that may contain hay, straw or other fodder, or for any person in his employment, or any other person, to use or carry therein any lighted candle or other light, unless the same be secured within a tin, horn or glass lantern.

Sec. 26. It shall be unlawful for any person to carry about his person, any revolver or other pistol, dirk or bowie knife, razor, slung shot, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character, nor shall any person sell or furnish any such weapon as is hereinbefore mentioned, to a person whom he knows, or has reason, from his appearance, or otherwise, to believe to be under the age of twenty-one years; but nothing herein contained shall be so construed as to prevent any person from keeping or carrying about his dwelling house or premises such revolver or other pistol, or from carrying the same from the place of purchase to his dwelling house, or from his dwelling house to any place where repairing is done, to have it repaired, and back again.

Sec. 27. It shall be unlawful for any person to ride or drive on any bridge faster than a walk.

Sec. 28. It shall be unlawful for any person to bathe in any stream of water within the corporate limits of the town, within sight of any dwelling house within said town, or within one-quarter of a mile of the limits of said town, from sunrise until one hour after sunset.

Sec. 29. It shall be unlawful for any person to sell any diseased, corrupted, unwholesome or adulterated provisions, whether food or drink, without first making the same known to the buyers.

Sec. 30. It shall be unlawful for any person knowingly or wilfully to throw, or cause to be thrown into any well, cistern, spring, brook, or branch of running water, which is used for domestic purposes, any dead animal's carcass, or part thereof, or the contents from any cess-pool or privy vault, or any putrid, nauseous, offensive or poisonous substance.

Sec. 31. It shall be unlawful for any person to allow on his premises or under or in any of his buildings, any dead animals, putrid or decaying substance, manure, dirt or filth of any kind that produces an unpleasant odor or taints the air. And if any animal, the property of any person, shall die, the owner thereof shall remove and bury it at least three hundred yards beyond the corporate limits, and at least two hundred yards from all dwelling houses, and on failure to do so, such owner shall be deemed guilty of an offence. Nor shall any person kill any animal and allow it to remain within the corporate limits so as to become a nuisance.

Sec. 32. It shall be unlawful for any person to bring into the town any person infected with any contagious or infectious disease, or the corpse of any person who died of such disease, except it be a citizen thereof. And in case a citizen, or the corpse of any citizen so affected, shall be brought into the corporate limits, such person shall give immediate notice thereof to the Mayor, policeman or some member of the Council, and upon failure of any such person to give such notice, he shall be deemed guilty of an offence.

Sec. 33. It shall be unlawful for any engineer or other person in charge of a locomotive engine to blow the whistle of such engine within the corporate limits of the town, except to avoid or prevent an accident.

Sec. 34. It shall be unlawful for any person to post any written or printed notices or bills, or nail up any board or tin advertisement, or show pictures on any bridge, building, fence, wall or lamp or sign post without the consent of the owner thereof; or to tear down, mutilate or destroy any such advertisement, notice or bill lawfully posted or painted.

Sec. 35. It shall be unlawful for any person to attempt to or get on a railroad engine, car or train, while the same is in motion, unless

such person is an officer or employe of the railroad company, or requested or authorized so to do by the person having charge of such engine, car or train.

Sec. 36. It shall be unlawful for any owner to allow any hog, pig, horse, sheep or goat to run at large on any street, alley, common or public square within the town. It shall be unlawful for the owner to allow a cow to run at large upon the streets, alleys, commons or public squares within the town between the 15th day of October and the first day of May of each year, and it shall be unlawful thereafter for any cow to run at large between the hours of 8 p. m. at night and 6 a. m. in the morning, and for the violation of this ordinance the same punishment shall be inflicted as for offences under Sec. 36 of these ordinances. And it shall be lawful for any officer to impound any such animal found going at large until the owner thereof can be ascertained, if he be unknown, and until the fine and costs imposed, if any, together with the expense of keeping and feeding such animal, be paid, and if the same be not paid within ten days, it shall be the duty of the officer to sell the same in the manner that sales are made under execution.

Sec. 37. It shall be unlawful for any person to catch, kill or injure or pursue with such intent, any sparrow, (except an English sparrow,) robin, blue bird, martin, thrush, mocking bird, swallow, oriole, red bird, grosbeak, cat bird, chewit or ground robin, pewee or phoebe bird, wren, cuckoo, indigo bird, nut hatch, creeper, yellow hammer or flicker, warbler or finch, mavis, red start, dummock, nightingale, cross bill or corn crane, Hungarian robin, great tit, or blue tit, humming bird or any small bird, or to disturb or destroy the eggs of any such bird.

Sec. 38. It shall be unlawful for any person to play ball, play marbles, pitch quoits or engage in any game or sport, utter loud cries, quarrel, riot, hunt, fish, or sell goods, wares, merchandise or intoxicating drinks, or engage in any common labor or secular business on the Sabbath Day, other than works of necessity or charity, except such persons as conscientiously observe Saturday as Sabbath.

Sec. 39. It shall be unlawful for any person to molest or insult any person whomsoever, when going to or returning from a religious meeting.

Sec. 40. It shall be unlawful for any person to behave rudely or disorderly in or near any church, meeting-house or place of religious worship.

Sec. 41. It shall be unlawful for any person to idly loiter at or near the door of any church, meeting-house or place of public amuse-

ment, and not depart thence, peaceably and quietly when requested so to do.

Sec. 42. It shall be unlawful for any person to disturb any religious meeting or congregation or singing school, exhibition, examination, concert, or theatrical or other public entertainment, by any boisterous, rude or ungentlemanly conduct. Any officer or citizen present at any such place, may arrest, or cause the arrest of any person committing an offence against the provisions of this section. If any officer or citizen present is unable to arrest the offenders on account of their number, it shall be the duty of such officer or citizen to take their names, and at his earliest opportunity furnish the same to the Mayor, who shall at once begin proceedings against each, separately, for the offence charged. Any officer who shall neglect his duty under this section shall be deemed guilty of an offence.

Sec. 43. It shall be unlawful for any person to keep a house of ill-fame, or bawdy or assignation house, or for the owner of any property, or his agent, to allow such house to be kept in any premises under his ownership or control. All such houses are hereby declared to be public nuisances, and shall be abated and closed by order of the Mayor, for a period not exceeding thirty days, whenever their existence is established by competent evidence. The owner or person having control of any property in which such house is kept, shall be presumed to have knowledge of the house there kept, unless such owner or person shall show by affirmative testimony their ignorance of the nature of the house there kept, and agree to prevent its continuance by requiring the offenders to vacate the property.

Sec. 44. It shall be unlawful for any person to knowingly associate with or harbor lewd and dissolute women, or to idly loiter about common ordinaries, restaurants or dram shops, or for the proprietor of any such places to allow any drunkenness, public lewdness, obscenity, or any conduct that disturbs the peace and quiet of the neighborhood.

Sec. 45. It shall be unlawful for any persons to assemble on any bridge, street, alley or public place, or in any house or out-house, board-yard or other yard, for the purpose of prostitution, lewdness or indecency. It shall be unlawful for any prostitute to be in any such place between sundown and sunrise. If any person be found loitering or lounging about a house reputed to be a bawdy house or house of ill-fame he shall be deemed guilty of an offence, unless such person show in defence that such house is not a house of ill-fame or a bawdy house.

Sec. 46. It shall be unlawful for any persons not married to each

other to lewdly or lasciviously associate and co-habit, or to be guilty of adultery or fornication.

Sec. 47. It shall be unlawful for any person to play or bet on any game in or by which money or other thing of value may be won or lost, or for any person whomsoever to keep or exhibit any table, instrument, device or other thing whatsoever, used for the purpose of gaming, or on or with which money or other articles may be lost or won.

Sec. 48. It shall be unlawful for any person to keep a room, building, arbor, booth, stand, shed, tenement, railroad car, or to rent the same, the same to be used or occupied for the exhibition or keeping of any such table, instrument, device or thing, or for therein, or thereon to play any such game as is prohibited by the preceding section. If the owner or lessee of any room, building, arbor, booth, stand, shed or tenement, shall know that any table, instrument, device or thing, used for the purpose of gaming, is kept or used in or about the same, or that any game of chance or skill, by or at which money, or other thing of value, may be lost or won, is being played therein, or thereon, and shall not forthwith cause a complaint to be made against the persons so using the same, or playing at, or suffering the playing of any such game therein or thereon, such owner or lessee shall be taken, held, and considered to have knowingly permitted the same to have been used for gaming, and shall be deemed guilty of an offence against the provisions of this ordinance. All such tables, instruments, devices or things being used for the purpose of gaming, may be seized and destroyed by any of the officers of the town.

Sec. 49. It shall be unlawful for any person to buy, sell or be interested in any lottery ticket or lottery, or to bet or wager money, or other thing of value, on any election or on anything whatsoever. And the money or other things so bet shall be forfeited to the town and it shall be the duty of the stake-holder to turn the same over to the Mayor to be paid into the town treasury. And if any stake-holder or other person having charge of any money or other thing on a bet or wager, refuse or neglect to turn the same over to the Mayor, as heretofore required, such stake-holder shall be deemed guilty of an offence.

Sec. 50. It shall be unlawful for any person to follow any employment or business for which a town license is required, without first having paid the license.

Sec. 51. It shall be unlawful for any person to hinder or resist, or attempt to prevent or deter, by threats, menaces, force or otherwise, any officer of the town from properly discharging the duties of his

office, or to refuse, when called upon, to assist any such officer in making an arrest or quelling a riot.

Sec. 52. If any person knowingly or wilfully commit any of the offences prohibited or enumerated in this ordinance, he shall forfeit and pay a fine of not less than one nor more than thirty dollars, and may in the discretion of the Mayor be imprisoned not exceeding thirty days.

ORDINANCE V.

RELATING TO THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION

- 1 Appointment of Assessor.
- 2 Duties of Assessor.
- 3 Levy, Dog Tax.
- 4 Tax books.

SECTION

- 5 Collection, Sales.
- 6 Dogs not Assessed.
- 7 Delinquent List.
- 8 Delinquent Lands—How Sold.

Be it ordained by the Council of the Town of Parsons:

Section 1. An Assessor shall be annually appointed by the Council at the first meeting of the Council in February, or as soon thereafter as practicable.

Sec. 2. It shall be the duty of the Assessor to make an assessment of the property within the town subject to taxation, substantially in the manner and form in which assessments are made by the Assessor of the county and return the same to the Council on or before the first day of May in each year, and for this purpose he shall have all the powers conferred by law on county assessors. He shall list the number of dogs in the town, and the names of the persons owning the same, which list shall be returned to the Council.

Sec. 3. There shall be levied in addition to the necessary levy on personal and real property an annual tax of 50 cts. on each male dog and \$2.50 on each female dog. The owner, harbinger or head of the family shall pay the taxes on any dog owned, harbored or kept by any member of the family. A dog for whom no owner can be found, or off of whom, if found, the taxes cannot be collected, shall be put to death by the Sergeant or any police officer. For putting a dog to death and removing its body, as required by ordinance, such officer shall receive such compensation as the Council may deem reasonable.

Sec. 4. When the property books, with levy extended, have been returned by the Assessor, and examined and found correct by the Council, they shall be turned over to the Sergeant for collection, and he shall receipt therefor and be charged therewith.

Sec. 5. The Sergeant shall, immediately proceed to collect the taxes, and after one month from the time he receives the books, he may distrain and sell therefor, in like manner as the officer collecting the State taxes may distrain therefor, and he shall in all other respects have the same power to enforce the payment and collection thereof. All sales under tax levies, or under executions issued by the Mayor, shall be in the manner prescribed by law for sales under executions issued by Justices. Tax levies shall bear interest from the first day of February next following the time they are levied, and the Sergeant shall be required to account for interest on all moneys not collected and accounted for prior to that time.

Sec. 6. If the Sergeant finds any dog within the year owned or harbored by any one, and not included in the levy, he shall cause the owner or harborer thereof to pay the same taxes on such dog as if it had been duly assessed.

Sec. 7. The Sergeant shall before the first day of February in each year, return to the Council two separate lists, one of personal property, and the other of real estate, delinquent for the non-payment of taxes, verified by his affidavit of his inability to collect the same after the exercise of due diligence. If the Council be satisfied of the correctness of said list, the Sergeant shall receive credit for the same in his settlement. Additional delinquent lists for any year may be returned by permission of the Council, if the Sergeant shall show to their satisfaction that he has faithfully endeavored to collect the taxes therein included, and has failed to do so from no fault or negligence on his part.

8. The delinquent list of lands and lots shall be recorded by the Recorder in a book to be kept for that purpose. And the Recorder, annually, on or before the first day of August, shall certify to the State Auditor a copy of the delinquent list of lands and lots, that the same may be sold in the manner provided by law for the sale of real estate, returned delinquent for the non-payment of State and County taxes.

ORDINANCE VI.

RELATING TO LICENSES.

SECTION

- 1 and 2 For what a town license is necessary.
- 3 Penalty for acting without license.
- 4 In what cases license not required. Druggists.
- 5 Provisions respecting hotel or tavern licenses.
- 6 Hotel license tax, how determined.
- 7 License, when issued.
- 8 How license obtained.
- 9 Character of applicant.
- 10 To whom intoxicating liquors may be sold.
- 11 Sale by one person for another.
- 12 What deemed a nuisance.
- 13 How owner of nuisance prosecuted.
- 14 Clandestine sale of liquor.
- 15 Bond required.
- 16 How license revoked.

SECTION

- 17 What certificate for license shall specify.
- 18 License, how transferred.
- 19 How unexpired terms assigned.
- 20 Recorder's fee.
- 21 When license expires.
- 22 For what time license shall be issued.
- 23 How party aggrieved may be released.
- 24 License demanded to be produced.
- 25 Duty of Assessor.
- 26 Classified list to be made.
- 27 List of licenses, when to be delivered.
- 28 Duty of Assessor as to lists.
- 29 What evidence against the Sergeant.
- 30 Penalty for failure of Assessor.
- 31 When Sergeant can return delinquents.
- 32 Commissions of Sergeant.

Be it ordained by the Council of the Town of Parsons:

Section 1. No person without a corporation license therefor shall within the town of Parsons, or within one mile of the corporate limits thereof, furnish intoxicating drinks, or sell, offer or expose for sale spirituous liquor, wine, porter, ale, beer, or any drinks of like nature. And all mixtures or preparations known as "bitters," or otherwise, which will produce intoxication, whether they are patented or not, shall be deemed spirituous liquors within the meaning of this section. Nor shall any person without such license carry on the business of a druggist, or keep for public use or resort a bowling alley, billiard table, bagatelle table, or any table of like kind.

Sec. 2. No person without a corporation license shall exhibit any circus, menagerie, theatrical performance, or public show to which

admission is obtained for money or other reward, or act as hawker or peddler, or act as auctioneer, or practice the business of stock or other broker by buying or selling for others stocks, securities or property for a commission or reward, or practice the business of a money broker or private banker by buying or selling uncurrent or depreciated money, or funds, or exchanging one kind of money or funds for another for profit or reward. Nor shall any person without a corporation license therefor sell or barter, or offer or expose for sale or barter, any patent right, except of their own invention or manufacture.

Sec. 3. Any person violating either of the two preceding sections, shall, except when it is otherwise provided herein, for every such offense forfeit not less than ten, nor more than fifty dollars.

Sec. 4. This ordinance shall not be construed to require license to keep a boarding house or boarding school, where boarders are not received for less than three days, or to require any person having license to sell spirituous liquors or wine at retail to obtain another license to sell porter, ale, or beer, or any drink of like nature, at the same place, or to require any incorporated bank, savings bank, or savings institution to obtain license as a broker or private banker or to require any resident of this State to obtain license to exhibit any work or production of his own invention or skill, or to require license for any school exhibition, literary or scientific lecture, or musical concert, or to affect any person furnishing refreshments at any public dinner, fair, festival or celebration, or any trustee selling trust property, or any personal representative or committee selling property belonging to the estate under his charge, or any officer or commissioner selling property under the order, decree, execution or process of any court of justice of this State, or of the United States, or colporteur or person selling religious books, nor shall any company or person engaged in manufacturing goods in this State be required to pay a license as peddler for selling such goods, either by himself, or his agent, or to prohibit any druggist from selling without license, in good faith, spirituous liquors, wine or alcohol for medicinal, mechanical or scientific purposes, provided however, that no sale of any such spirituous liquors or wine, shall be made by any druggist or registered pharmacist except upon the written prescription of a practicing physician in good standing in his profession, and not of intemperate habits, specifying the name of the person and the quantity of such liquors to be furnished him, but no druggist or registered pharmacist, who is a practicing physician, shall himself or by his agent or clerk, sell any such spirituous liquors or wine upon his own prescrip-

tion. And if any person intrusted in or carrying on the business of a druggist, shall, in violation of this ordinance, sell any such intoxicating liquors, drinks, mixtures or preparations mentioned in the first section, he shall be deemed guilty of selling without license and be punished as provided in section three of this ordinance. In any prosecution against a person carrying on or interested in the business of a druggist, for selling any such liquors, drinks, mixtures or preparations contrary to this ordinance, if the sale be proved, it shall be presumed that such sale was unlawful unless the contrary be shown. If any physician, for the purpose of aiding a druggist or other person in the violation of the provisions of this ordinance or otherwise, give such prescription and make such statement falsely, he shall be fined not less than ten nor more than one hundred dollars.

Sec. 5. Every house where food and lodging is usually furnished to travelers, and payment required therefor, shall be deemed a hotel or tavern. Every person licensed to keep a hotel or tavern shall constantly provide the same with lodging and diet for travellers and servants. If any person so licensed fail to comply with this section, the license may be revoked, pursuant to the twentieth section, and shall always be revoked if it appear the principal object in obtaining the same is not to provide diet and lodgings for travellers and their servants, but to use it for a facility for selling intoxicating liquor.

Sec. 6. The corporation tax on a license to keep a hotel or tavern shall be determined by the yearly value of the premises occupied for the purpose. The Assessor may require the proprietor, and if the premises be leased or rented, the tenant, to declare on oath the amount of rent agreed to be paid, and if either of them refuse to do so, the person so refusing shall forfeit not less than ten nor more than fifty dollars. From such information, if obtained, and a comparison of the premises, when it is in his power, with other premises actually leased or rented, and other circumstances affecting the value, the Assessor shall estimate the yearly value to the best of his judgment, taking into consideration not only the house itself, but all the lots, gardens, stables, out-houses and booths, but excluding the contiguous farm and farm houses.

Sec. 7. The corporation license mentioned in the first section shall be issued only when authorized by the Council.

Sec. 8. Every person desiring to obtain a corporation license shall apply for a certificate thereof to the Assessor. If he desire such license for any purpose named in the first section, he shall deliver to the As-

essor a copy of the order or resolution of the Council authorizing such license. The Assessor shall thereupon deliver to the applicant a certificate of the license to be obtained and the amount of tax to be paid thereon, which certificate shall be conformable in other respects to the provisions hereinafter contained. Such certificate shall be produced by the applicant to the town Sergeant, and his receipt for such tax, written on the certificate, shall be sufficient license, while it remains in force, to the person and for the purpose specified in the said certificate, except so far as is otherwise provided in this ordinance.

Sec. 9. The town Council shall not authorize any license mentioned in the first section, unless they are satisfied, and so enter on their record, journal or minute, that the applicant for such license is not of intemperate habits, and the granting of a license to any person to carry on the business of a druggist shall not be construed to authorize him to carry on said business until he has fully complied with the provisions of chapter fifty-two of the act of the Legislature of West Virginia of 1881, and the amendments thereto.

Sec. 10. If any person having a corporation license to sell spirituous liquors, wine, porter, ale, beer or drinks of like nature, shall knowingly give or sell any such liquor or drink to any minor or person of unsound mind, or to any person who is intoxicated at the time, or is in the habit of drinking to intoxication, or if he permit any person to drink to intoxication on any premises under his control, or sell or give any intoxicating drink to any one on Sunday, he shall be fined not less than ten nor more than thirty dollars.

Sec. 11. A sale of any such liquors or drink by one person for another shall, in any prosecution for such sale, be taken and deemed as a sale by both, and both may be fined therefor, either jointly or separately.

Sec. 12. All houses, buildings and places of every description, where intoxicating liquors are sold or vended contrary to this ordinance shall be held, taken and deemed to be common and public nuisances, and may be abated as such, upon the conviction of the owner or keeper thereof as hereinafter provided.

Sec. 13. The owner of any house, building or other place mentioned in the next preceding section, who sells or knowingly permits intoxicating liquor to be sold or vended therein contrary to this ordinance, and every person engaged in such unlawful sale in any such house, building or place, may be prosecuted for keeping and maintaining a common and public nuisance, and upon conviction thereof he shall be fined not less than twenty nor more than fifty dollars, and at the dis-

cretion of the Mayor imprisoned in the county jail not less than ten nor more than thirty days; and judgment shall be given that such house, building, or other place be abated or closed up as a place for the sale of such liquors contrary to this ordinance, as the Mayor may determine.

Sec. 14. If in any such house, building or other place, as is mentioned hereinbefore, the sale of intoxicating liquors is carried on clandestinely, or in such a manner that the person so selling cannot be seen and identified, the town Sergeant, or other officer charged with the execution of a warrant issued under this ordinance, may whenever it is necessary for the arrest or identification of the person so selling, break open such house, building or other place.

Sec. 15. The town Council shall not authorize the issuing of any license to sell spirituous liquors, wine, porter, ale, beer, or drink of like nature, until the applicant shall have given bond with good security to be approved by the Council, in the penalty of at least three thousand five hundred dollars, conditioned that he will not permit any person to drink to intoxication on any premises under his control, and will not knowingly sell or furnish any intoxicating drink to any person who is intoxicated at the time, or who is known to him to have the habit of drinking to intoxication, or who he knows or has reason to believe, is under the age of twenty-one years; and that he will not sell or furnish such drink to any person on Sunday. And with the further condition that he will pay all such damages as may be received against him by any person under any of the provisions of chapter thirty-two of the Code of West Virginia, as amended, and that he will not sell or furnish any such drink on election day. And such applicant, and his sureties in said bond, shall be liable in a suit or suits thereon for the fine and costs which may be received against him for any offence under this ordinance which is a violation of any of the conditions of said bond.

Sec. 16. The Council for good cause shown, may revoke any license mentioned in the first section, upon the petition in writing of any inhabitant of the town. But the person holding the license must first have reasonable notice of the proposed revocation, and the privilege of being heard in person or by counsel. After such revocation the license shall be of no effect to protect him from any penalty imposed by this ordinance.

Sec. 17. Every certificate issued by an Assessor as aforesaid, if it be to authorize the keeping of a hotel or tavern, or bowling alley, billiard table or bagatelle table, or any table of like kind, or to carry on the business of a druggist, shall specify the house in which it is to be kept

or carried on, and to keep or carry on the same at a different place shall be deemed a violation of this ordinance. Every certificate to sell spirituous liquors, wine, porter, ale, beer, or any drink of like nature, or to furnish drinks or refreshment at a public theater, shall specify the house where they are to be sold, and a sale at any other place shall be held to be a sale without license. Other licenses shall be deemed co-extensive with the town, but of no effect beyond the limits of the town.

Sec. 18. If a person holding a corporation license which is limited to a particular house as aforesaid, desires to have such license transferred to another place, the Council may authorize the alteration and cause a memorandum thereof to be endorsed on such license by the Recorder, who shall in such case immediately make report thereof to the Assessor. After such endorsement the license shall have the same effect as if the place to which it is so transferred had been inserted therein instead of the house therein specified.

Sec. 19. A person holding any license mentioned in the first section may assign the unexpired term thereof to another, with the assent of the Council endorsed thereon by the Recorder, who shall in such case immediately make report thereof to the Assessor. If the assignment be of such a license as is mentioned in the fifteenth section, the assignee shall give bond and security as required by that section, and the said section shall in all respects be applicable thereto. A person holding any corporation license other than that mentioned in the first section, may transfer the unexpired term thereof to another, by an assignment endorsed on the license and attested by the Assessor. But no assignment of a license shall be of any effect unless made in the manner prescribed by this section.

Sec. 20. For every corporation license, or alteration thereof, or assignment of the same, authorized or assented to as aforesaid, the Recorder shall be entitled to a fee of fifty cents. For every certificate for a license, or alteration or assignment of such license, the Assessor shall also be entitled to a fee of fifty cents. The said fees shall be paid by the person on whose application the license is issued, or the alteration or assignment made.

Sec. 21. Every corporation license to keep a hotel or tavern, or to sell at wholesale or retail, spirituous liquors, wine, porter, ale, beer or any drink of like nature, or keep for public use or resort, a bowling alley, billiard table, bagatelle table, or any table of like kind, or act as auctioneer, or practice the business of stock or other broker, by buying

or selling for others, stocks, securities or property, for a commission or reward, or practice the business of a money broker or private banker by buying or selling uncurrent or depreciated money, or funds, or exchanging one kind of money or funds for another, for profit or reward, or to carry on the business of a druggist, shall expire on the thirtieth day of April next after the commencement thereof. If granted for a less time than a year, the corporation tax thereof shall be computed for the annual tax in proportion to the time such license has to run.

Sec. 22. The corporation license to furnish intoxicating drinks or refreshments at a public theatre, or sell patent rights, or act as hawker or peddler, shall be either for a year, four months or two months from the commencement thereof. If for four months, the corporation tax therein shall be one-half, and if for two months, one-third of the annual tax. There shall be a corporation tax per week on theatrical performances, and on a circus, menagerie or public show, for every exhibition.

Sec. 23. If any person desiring a corporation license of any kind be dissatisfied with the valuation of the Assessor, or the amount of tax to be paid thereon, as stated in the Assessor's certificate, or with the decision of the Assessor respecting such license, or if any person be aggrieved by any assessment of a license tax, he may obtain relief by applying to the Council.

Sec. 24. Every person claiming to hold a corporation license of any kind shall produce the same for inspection whenever required by the Mayor or Recorder, Sergeant or any police officer, and if he refuse to do so, shall forfeit ten dollars for every such offence.

Sec. 25. It shall be the duty of every Assessor to ascertain from time to time all persons in the town from whom a corporation license is required by the Council, and deliver them proper certificates of the licenses to be obtained and the tax to be paid thereon to the corporation, but it shall be the duty of every such person to apply to the Assessor and cause himself to be properly listed and licensed. And in case he shall transact any business for which he obtains such license, without having paid the taxes thereon, he shall forfeit not less than ten, nor more than fifty dollars for every such offence.

Sec. 26. The Assessor shall from time to time make fair classified lists of all persons in the town from whom corporation license is required by this ordinance, specifying in such lists the date of every certificate, the name of the person to whom delivered, the amount of corporation

tax, for what the license is to be obtained, and such other particulars as he may be directed by the Council to state therein.

Sec. 27. The Assessor shall complete and deliver to the Sergeant before the thirtieth day of April in each year, the list of licenses expiring on that day. Of other licenses, he shall make out and deliver to the Sergeant proper lists at intervals not exceeding two weeks.

Sec. 28. He shall transmit to the Council from time to time proper lists of all corporation licenses for which certificates may have been issued in the town. If he shall have ascertained that the corporation tax specified in any certificate was not paid, he shall note the fact on the proper list. The said list shall be verified by the affidavit of the Assessor.

Sec. 29. Such lists shall be evidence against the Sergeant to charge him with the amount of corporation tax therein stated.

Sec. 30. If any Assessor fail to perform any duty required of him by this ordinance, or to obey the instructions of the Council, so far as they are not contrary to law, he shall forfeit for every such offence not less than ten nor more than thirty dollars.

Sec. 31. When a Sergeant is unable to find property out of which to make the taxes imposed upon persons who may have been assessed with a license, such Sergeant may return such persons as insolvent subject to all the laws in relation to uncollected taxes.

Sec. 32. Every Sergeant receiving taxes on licenses under this ordinance shall be allowed a commission of two per cent. for his collections.

ORDINANCE VII.

TAX ON LICENSES.

On Hotels and Taverns.	On Auctioneer.
On Drinks at Theatre.	On Stock Broker.
On Drinks at Retail.	On Money Broker.
On Wines, etc.	On Patent Rights.
On Druggist.	On Peddler.
On Bowling Alley.	On Theatres.
On Billiard Table.	On Shows.
On Bagatelle Table.	

Be it ordained by the Council of the Town of Parsons:

The town tax on licenses mentioned in ordinance six, shall be as follows:

HOTELS AND TAVERNS.—On every license to keep a hotel or tavern, eating house or restaurant, 3 per cent. per annum upon the yearly value of the premises occupied for that purpose, estimated according to Sec. 9 of chapter 32 of the Code of W. Va., 1891.

TO FURNISH DRINKS.—On every license to furnish intoxicating drinks or refreshments at a public theatre, one hundred dollars.

LIQUORS AT RETAIL.—On every license to sell spirituous liquors, wine, porter, ale, beer, and drinks of like nature, at retail, one hundred dollars; at wholesale, three hundred and fifty dollars.

WINES, ETC.—On every license to sell at retail domestic wines, porter, ale, beer, and drinks of like nature only, fifty dollars; at wholesale, two hundred dollars.

DRUGGIST.—On every license to carry on the business of a druggist, five dollars in addition to all other taxes.

BOWLING ALLEY.—On every license to keep a bowling alley for public use or resort, fifteen dollars; but if more than one be kept in one house by the same person, fifteen dollars for the first one, and seven dollars and fifty cents for every other one.

BILLIARDS.—On every license to keep a billiard table or table of like kind, for public use or resort, twenty dollars for the first one, and ten dollars for every other one kept in one house by the same person.

BAGATELLE.—On every license to keep a bagatelle table, or table of like kind, for public use or resort, ten dollars.

AUCTIONEER.—On every license to act as auctioneer, five dollars.

STOCK BROKER.—On every license to practice the business of a stock or other broker, by buying or selling for others, stocks, securities or property for a commission or reward, twenty-five dollars.

MONEY BROKER.—On every license to practice the business of a money broker or private banker, by buying or selling uncurrent or depreciated money or funds, or exchanging one kind of money or funds for another for profit or reward, one hundred dollars.

PATENT RIGHTS.—On every license to sell or barter patent rights ten dollars.

PEDDLER.—On every license to act as hawker or peddler, if the person travel on foot without a horse, five dollars; if he travel with one or more horses, with or without a wagon, or other vehicle, ten dollars.

If any of the foregoing licenses are for four months, one-half; and if for two months, one-third the yearly tax shall be paid therefor. And when a license is granted to a peddler or auctioneer, for a short period, the tax shall be at the rate of one dollar per day.

On every license to auction goods, three dollars per day.

On every license permitting a circus or menagerie, ten dollars for each exhibition.

On every other show not otherwise taxed, one dollar for each exhibition.

Provided that nothing herein shall be construed to require a license from a colporteur or persons selling religious, literary or scientific works, or for any home, literary, dramatic or benevolent entertainment or school exhibition or musical or literary entertainment.

ORDINANCE VIII.

CONCERNING PRIVIES, ETC.

SECTION

- 1 Duty of Owners of Privies.
- 2 Power of Council as to Privies.
- 3 Applies to Hog Pens, etc.

SECTION

- 4 Duty of Sanitary Committee.
- 5 Nuisances in Streets, etc.

Be it ordained by the Council of the Town of Parsons:

Section 1. No person shall permit his or her privy, out-house or water closet to become foul or filthy, or produce an unhealthy smell or odor or become a nuisance, but every owner or person having control of such privy, out-house or water closet shall at all times keep the same properly cleaned and disinfected. Nor shall any privy or hog pen be erected or constructed within ten feet of any street within the town, but such privy or hog pen shall at all times, when possible, be erected on the alley, and those already erected shall conform as nearly as possible to the requirements of this ordinance.

Any person who shall violate any of the provisions of this section shall pay a fine of not less than five nor more than ten dollars for every such offence, and after twelve hours notice the Sergeant may proceed to clean and disinfect said privy or hog pen at the expense of the owner or tenant in possession, or remove the same.

Sec. 2. When any box, pit or other receptacle for night soil in privies becomes full or in a condition that is proper to be cleaned, the Council shall have the authority to have the same properly cleaned immediately, without giving notice to the owner or owners thereof, and the cost of doing the same shall be charged against the owner or owners aforesaid and collected as corporation taxes.

Sec. 3. This ordinance shall apply to filth or manure about hog pens, pig-sties, cess pools or other nuisances, and the same regulations that apply to sections one and two of this ordinance shall also apply to them.

Sec. 4. The Sanitary Committee shall have the power, and it shall be its duty to employ some suitable person to clean privies and haul

away filth; to arrange schedule of prices to be allowed for such work and to have supervision over the same. The Recorder shall keep a correct account of all amounts charged against persons for the work named in sections one and two of this ordinance.

Sec. 5. It shall be unlawful for any person to deposit human excrement, taken from privies, in any street, alley, public square, common, lot, road, field, stream or pond of water, within the corporate limits of the town. Any person violating any of the provisions of this section shall forfeit and pay a fine of not less than five dollars nor more than twenty dollars.

ORDINANCE IX.

CONCERNING THE DEFECTIVE CHIMNEYS, FLUES, ETC.

SECTION 1. Dangerous Chimneys, Flues, etc.

Be it ordained by the Council of the Town of Parsons:

Sec. 1. It shall be unlawful for any person to allow any dangerous chimney, flue, roof or building to remain on his premises after notice to repair or remove the same has been given by the Mayor. Any person offending against the provisions of this section shall be fined not less than five nor more than twenty-five dollars.

Sec. 2. Any dangerous chimney, flue, roof or building, after reasonable notice to repair or remove the same has been disregarded, may be abated by the Mayor, as a nuisance, at the expense of the owner of such nuisance.

Sec. 3. It shall be the duty of the Sergeant and Street Committee to see that the provision of section one of this ordinance is fully complied with, and when they suspect that any chimney, flue, roof or building is in an unsafe or dangerous condition, the Sergeant or any member of said committee shall have the authority to enter any house, dwelling, store room or out-building to examine the same.

Sec. 4. It shall be the duty of the Council, after having given ten days notice, to repair and put in safe and proper condition any flue, chimney, roof or building which has been condemned as unsafe, and charges shall be collected from said property owner by the Sergeant of said town.

ORDINANCE X.
CONCERNING VICIOUS ANIMALS.

SECTION 1. Vicious Animals.

Be it ordained by the Council of the Town of Parsons:

Sec. 1. It shall be unlawful for the owner of any dog, cow, bull, horse, sheep, goat, or other animal known to him to be vicious or unruly to allow the same to be loose or run at large within the town. The Mayor shall have the power to order any such dog to be killed by the Sergeant, or such cow, bull, sheep, goat or other animal to be confined at the expense of the owner thereof, and upon failure upon reasonable notice, of the owner of any such cow, bull, sheep, goat or other animal, (except dogs,) to confine and restrain the same, or to pay the expense of confining or restraining them, the Mayor shall have power, in his discretion, to have such animal killed or secured as he may deem proper to prevent injury to the public.

ORDINANCE XI.

RELATING TO SIDEWALKS, ETC.

SECTION 1. Who to construct. | SECTION 2. How made, etc.

Be it ordained by the Council of the Town of Parsons:

Sec. 1. All sidewalks in the town shall be kept in repair, free and clear, by the owners or occupants of the adjacent property.

Sec. 2. If the owner or occupant of any sidewalk, foot-way or gutter, in the corporation of the town of Parsons, or of the real property next adjacent thereto, shall fail or refuse to curb, pave or keep clean, in the manner or within the time required by the Council, it shall be the duty of the Street Commissioner, with the advice of the Street Committee, to cause the same to be done at the expense of the town, and to assess the amount of such expense upon such owner or occupant, and the same may be collected by the Sergeant in the manner herein provided for the collection of corporation taxes. The Street Commissioner or person making such repairs shall keep an accurate account of all expenses incurred by him in making said repairs, and lay the same before the Street Committee, and when found correct by it, shall report the same to the Council, who shall order an assessment upon such owner or occupant, who shall pay the same.

ORDINANCE XII.

CONCERNING HOGS, ETC. RUNNING AT LARGE.

SECTION 1. Animals running at large.

Be it ordained by the Council of the Town of Parsons:

Sec. 1. That it shall be deemed a nuisance for any hog, pig, sheep, goat, cow or horse, to run at large on any street, alley, common or public square within the town. Any person owning any hog, pig, sheep, goat, cow or horse, and permitting the same to run at large, shall forfeit and pay a fine of not less than one, nor more than five dollars for each offence. It shall be the duty of the town Sergeant to take up any hog, pig, sheep, goat, cow or horse found running at large within the limits of said town, and put it or them on a pound to be pounded by said town, under the direction of the Mayor, and if the owner of said hog, pig, sheep, goat, cow or horse is unknown to him, he shall at once post in five conspicuous places in said town, notices describing said hog, pig, sheep, goat, cow or horse and the place where impounded with the amount of expense and cost for taking up the same, and if the owner of such hog, pig, sheep, goat, cow or horse does not appear within five days and redeem said hog, pig, sheep, goat cow or horse, it shall be the duty of the town Sergeant to advertise and sell said hog, pig, sheep, goat, cow or horse, upon five days notice, and shall pay all costs and expenses incurred by him out of said sale, and the balance, if any, shall as soon as ascertained, be paid over to the owner of said hog, pig, sheep, goat, cow or horse, but if the owner of the hog, pig, sheep, goat, cow or horse be known, it shall be the duty of the Sergeant to summon him to appear before the Mayor, to show cause why he should not be fined for allowing said hog, pig, sheep, goat, cow or horse to run at large, and if upon conviction, such owner of said hog, pig, sheep, goat, cow or horse refuse or fail to pay the fine or costs imposed, it shall be the duty of the Sergeant to give five days notice, and sell said hog, pig, sheep, goat, cow or horse, and to pay out of said sale all fines imposed, and the costs incurred, and the residue he shall pay over to such owner of such hog, pig, sheep, goat, cow or horse. Said Sergeant shall be allowed one dol-

lar for taking up such hog, pig, sheep, goat, cow or horse, and all necessary expenses and costs incurred for keeping same, provided the town shall not be liable to the Sergeant for any expense for taking up and keeping said hog, pig, sheep, goat, cow or horse.

ORDINANCE XIII.

ORDINANCE RELATING TO THE SALE OF REAL ESTATE DELINQUENT FOR NON-PAYMENT OF TAXES.

SECTION

- 1 When Taxes are unpaid.
- 2 When Lots not Described.
- 3 When Lots to be Sold.
- 4 How much sold.
- 5 Purchaser to pay to Sergeant.

SECTION

- 6 List to be Returned.
- 7 How Redeemed.
- 8 When deed to be Made.
- 9 Rights of Assignees.
- 10 Infants, etc.

Be it ordained by the Council of the Town of Parsons:

Sec. 1. That in all cases where any lot or lots of the land in the town of Parsons now are or hereafter may become charged with the payment of taxes and said taxes shall remain unpaid for the space of six months after the fifteenth day of December in the year in which they shall have been levied and charged, it shall be the duty of the Sergeant, and he is hereby required to cause advertisement describing the size and location, and, when known, the number of said lot or lots, name of the street or streets on which they are situated, the amount of taxes respectively due, together with the name of the owner or owners thereof, when known, chargeable with the same, and if any lot or lots have changed hands since the same became chargeable, in the name or names of the persons then owning the same. Said advertisements to be written or printed, and posted in at least six conspicuous places in said town; and if the Council direct, such advertisement may be published in one or more of the newspapers that are published in the town of Parsons, for such time as it may order. Said notices shall notify the said owners that unless the town taxes due thereon shall be paid to the Sergeant of the town within thirty days of the publication of the notices aforesaid, the lot or lots so charged as aforesaid, or such part thereof as may be necessary to raise the sum thereon, and costs of advertisement, will be sold to the highest bidder for the payment of the same, with interest thereon at the rate of twelve per cent. per annum, on a day therein named.

Sec. 2. Whenever the Sergeant may deem it necessary, any lot or lots of ground upon which the taxes are remaining unpaid, which in his judgment are not sufficiently described on the assessment books, he shall have said lot or lots surveyed by a surveyor, who shall report such survey in writing, the expenses whereof shall be charged to said lot or lots, and collected and paid by the Sergeant as other costs and charges against said property, incident to selling the same.

Sec. 3. That in all cases when the taxes aforesaid shall not be paid on the time mentioned in said advertisement, it shall or may be lawful for the Sergeant, and he is hereby authorized and required after making previous advertisement as aforesaid, to sell at public sale such lot or lots of ground, or each part thereof, or such undivided interest therein, when a lot cannot be divided without greatly damaging the same, as may be sufficient to discharge the said taxes, costs, interest and charges of sale and if said sale is not completed in one day, it may be continued from day to day, until all lots chargeable with taxes are sold, provided that any person or persons having an interest in any lot may redeem the same at any time before the same is actually sold, by paying the taxes, interest, costs and charges accrued thereon.

Sec. 4. The sale shall be of such lot, or quantity thereof, or undivided interest as shall be sufficient to satisfy the town taxes thereon, including taxes for previous years, together with all costs, interest and charges, provided neither Sergeant nor Deputy Sergeant shall purchase any lot or lots sold in pursuance of this ordinance.

Sec. 5. The taxes, interest, costs and charges for the purchase of any lot or lots sold in pursuance of this ordinance, shall be paid down to the Sergeant, who, on receiving from any purchaser the amount of the purchase money, shall give him a receipt therefor, stating the lot or lots so sold, with a description thereof, the cause of said sale, and for what year or years, and what amount of taxes charged thereon for each year, together with the costs and charges thereon, and for every such receipt the Sergeant shall be entitled to receive from the purchaser fifty cents.

Sec. 6. The Sergeant shall return to the Council a list of the sales with names of the former owner or owners, when such lot or lots may have changed hands since the taxes were assessed, as well as the names of the purchasers, the date of sale, the amount of taxes, interest, charges, costs, etc., paid, to which shall be attached an affidavit of the Sergeant, setting forth that the same is a true list of all lots sold by him for non-payment of taxes, that the amounts are correct, and that

he is not directly nor indirectly interested in the purchase of any said lots, which affidavit shall be subscribed by the Sergeant, and sworn to by him before some person authorized to administer oaths. Said list shall be correctly copied by the Recorder in a book to be provided for that purpose and original preserved by the Recorder.

Sec. 7. The owner or owners of any real estate sold, his or their heirs or assignees, or any person having a right to charge such real estate for debt, may redeem the same by paying to the purchaser, his heirs or assignees, within one year from the sale thereof the amount specified in the receipt mentioned in the fifth section of this ordinance, and such additional taxes thereon as may have been paid by the purchaser, his heirs or assignees, on the said lot or lots, and interest at the rate of twelve per cent. per annum, on the taxes, costs and charges from the time the same shall have been paid, provided that if the purchaser cannot be found, or refuses to accept the money for the redemption of any lot or lots, as provided for in this section, the amount may be deposited with the Sergeant, who is authorized to pay the same to the purchaser, and is to account for such money in the same manner as other funds which may come into his hands by virtue of his office.

Sec. 8. After the expiration of one year from the time of purchasing the same, the purchaser of any real estate sold, and which has not been redeemed in accordance with section seven of this ordinance, shall be entitled to receive from the Recorder of the town, a deed conveying the same, in which shall be recited all the material circumstances appearing in connection with said sale from the records of the Council conveying the same, provided that if the sale be of part of a lot it shall be for so many feet fronting on a street or alley, and where practicable, shall be such proportion of the lot upon which there are no buildings, and the deed shall particularly refer to the part of the lot sold by metes and bounds, and if any money has been made, as in section two of this ordinance mentioned, the deed shall refer to the Report of the Surveyor, and it is further provided that for every deed drawn and executed under this section, the Recorder shall receive five dollars.

Sec. 9. When the purchaser, his heirs or assignees have assigned the benefit of his purchase by a writing duly executed and acknowledged the deed may be executed to his assignees.

Sec. 10. Any infant, married woman, insane person, or persons who may have been imprisoned, whose real estate may have been sold under this ordinance, during such disability, may redeem the same by paying to the purchaser, his heirs or assignees, within one year from

the removal of such disability, the amount for which the same has been sold, with the necessary charges incurred by the purchaser, his heirs or assignees, in obtaining title under the sale, and such additional taxes in the estate so sold, as may have been paid by the purchaser, his heirs or assignees, and interest on the said items at the rate of twelve per centum per annum, from the time the same were paid, and if the purchaser cannot be found, or refuses to accept the same, the amount may be deposited with the town Sergeant in the same manner as provided for in section seven of this ordinance.

Section 2. The following rules shall be observed in the construction of the ordinances of the town unless a different meaning be apparent from the context:

FIRST.—A word importing the singular number only may be applied to several persons or things, as well as to one person or thing; a word importing the plural only may be applied to one person or thing, as well as to several; and a word importing the masculine gender only, may be applied to females, as well as males.

SECOND.—The word person shall be construed to include companies and corporations, and the word animal to include all moving creatures.

Section 3. This ordinance, including all the ordinances contained herein, shall be in full force and effect from its passage, and the same, together with the charter and rules for the government of the Council, shall be published in pamphlet form for distribution among the citizens of the town. The Mayor shall issue his proclamation in connection herewith, declaring said ordinances to be in force and effect.

MAYOR'S PROCLAMATION.

*TO THE PEOPLE OF THE TOWN OF PARSONS,
AND ALL OTHERS IN INTEREST:*

I, C. LIPSCOMB, Mayor of the town of Parsons, by virtue of authority vested in me by the Council thereof, do hereby publish, proclaim, and declare, that the foregoing ordinances passed by said Council of said town, on the nineteenth day of August, 1893, to be in full force and effect for the government, protection and preservation of all persons, property and rights, subject to the jurisdiction of said town by the laws of the State.

Given under my hand this nineteenth day of August, 1893.

C. LIPSCOMB, Mayor.

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