

P1754



Chas. Lewis

1707 Faccawhatch

Charleston W. Va.

CODE

OF

GENERAL ORDINANCES

OF THE

COMMON COUNCIL

OF

THE CITY OF CHARLESTON,

WEST VIRGINIA.

Including the Several Acts of the Legislature of West Virginia relating to the City of Charleston.

BY J. D. BAINES.

PUBLISHED BY ORDER OF THE CITY COUNCIL.

CHARLESTON;
WEST VA. PRINTING COMPANY.
1886.

CITY OFFICIALS.

1886.

<i>Mayor,</i>	<i>Recorder,</i>
J. H. HULING.	JULIUS A. DE GRUYTER.
<i>Sergeant,</i>	<i>Treasurer,</i>
E. M. STONE.	C. C. LEWIS.
<i>Solicitor,</i>	<i>Engineer,</i>
W. A. McCORKLE.	C. K. McDERMOTT.

COUNCILMEN.

First Ward.—MARCUS MORGAN, JOHN W. JARRETT, JAMES BIBBY.

Second Ward.—J. W. GOSHORN, W. S. LAIDLEY, LAWRENCE CARR.

Third Ward.—J. M. PAYNE, A. D. McCORKLE, FRED. GARDNER.

STANDING COMMITTEES OF COUNCIL.

Finance: W. S. Laidley, J. W. Goshorn, James Bibby.

Claims: John W. Jarrett, J. W. Goshorn, W. S. Laidley.

Streets: Marcus Morgan, Lawrence Carr, Fred. Gardner.

Ordinances: J. M. Payne, A. D. McCorkle, John W. Jarrett.

Health: James Bibby, Lawrence Carr, Marcus Morgan.

Drainage: J. M. Payne, Fred. Gardner, W. S. Laidley.

Fire Department: A. D. McCorkle, Marcus Morgan, Lawrence Carr.

Cemetery: J. W. Goshorn, J. M. Payne, A. D. McCorkle.

City Buildings: Fred. Gardner, J. M. Payne, A. D. McCorkle.

Water Works: Lawrence Carr, James Bibby, Fred. Gardner.

ERRATA.

- Page 8 For "See page—," read "See page 15."
" 20 " "Mondy" " "Monday."
" " " "1886" " "1887."
" 26 " "unless" in 8th. line of 18th. section, read "when,"
" 27 " "contact" in 4th. line of 1st. " " "contract."
" 50 " "refactory" in 2nd. line of 4th " " "refractory."
" 53 " "summery" in 5th. line of 7th. " " "summary."
" " " "absentees" in 3rd. line of 10th. section, read "absentees."
" 57 " "menagarie" in 8th. line of 2nd. " " "menagerie."
" 87 " "improvement" in caption of Ordinance, read "pavement."
" 89 " "when" in 8th. line of 2nd. section, read "where."
" 92 " "dump" in 2nd. line of 16th. section, read "drop."
" 118 " "then" in 7th. line from end of statement, read "that."
" 119 " "anp" in 2nd. line of 2nd. section, read "any."
" 127 " "basiness" in 8th. line of 18th. section, read "business."
" 129 " "dreliminary" in 2nd. line of 24th. section, read "preliminary."

36 *Records* - *Records*

PREFACE.

On the 20th day of March, 1885, an order of the Council was made employing J. D. Baines, late Mayor of the city, to revise and re-codify the ordinances of the city, and to prepare and report to the Council such modifications, changes and additions thereto as might be proper for the better government of the city. In pursuance of this order the General Ordinances contained in this volume have been prepared. After the preparation of the manuscript it was submitted to examination at the hands of a special committee, after which it was, with such changes as the committee suggested, submitted to Council by which body the several ordinances were regularly adopted.

By direction of the Council there were excluded from this Code the ordinance granting to the Atlantic and Northwestern R. R. Co. the right to use certain streets, and the several ordinances in regard to street lines and grades.

In the arrangement of subjects, those ordinances which have some relation to the same subject have been grouped together.

For the information and convenience of the public, there is embodied in this work a statement of the outstanding bonds of this city.

September, 1886.

ORDINANCE COMMITTEE.

CHARTER.

AN ACT to amend and re-enact the Charter of the City of Charleston, in the county of Kanawha.

(Acts of Legislature of West Virginia, 1875, Chapter XXXIX.)

Be it enacted by the Legislature of West Virginia :

That the Charter of the City of Charleston be, and the same is hereby amended and re-enacted so as to read as follows :

1. The corporate limits of the City of Charleston shall be as follows, to-wit: Beginning at the Kanawha river, at low water mark, on the line dividing the estate of Bradford Noyes, deceased, from the lands next above the same, and running thence with said dividing line to the foot of the hill ; thence a direct continuation of the said line to the Coal Branch ; thence down said Coal Branch, with its meanders, to Elk river ; thence down Elk river, at low water mark, to its mouth ; and thence up the Kanawha river, with its meanders, at low water mark, to the place of beginning. (Amended. See page 16.)

2. The municipal authorities of the city shall be a Mayor, Recorder and nine Councilmen, who, together, shall be a common council.

3. The Mayor, Recorder and Councilmen, so soon as they have been elected and qualified, as hereinafter provided, shall be a body politic, by the name of "The City of Charleston," and shall have perpetual succession and a common seal ; and by that name may sue and be sued, implead and be impleaded ; and may purchase and hold or sell real estate and other property necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of the said corporation.

4. All the corporate powers of the said city shall be exercised by the said Council, or under their authority, except when otherwise provided ; but the Recorder shall have no vote at any meeting of the said Council, except in the absence of the Mayor.

5. There shall be a Sergeant, Treasurer, Assessor and Overseer of the Poor.

6. The Mayor, Recorder, Sergeant and Treasurer shall be elected by the citizens of said corporation who may be entitled under this act to vote.

At the first election after the passage of this act, nine Councilmen shall be elected, three by the qualified voters of each ward; three of whom, that is one in each ward, to be designated by lot, in such manner as the Mayor may determine, shall hold their office for the term of one year; three others, that is one from each ward, to be designated as before, shall hold their office for the term of two years; and the remaining three shall hold their office for the term of three years; at each annual election after the first election, three Councilmen only, that is, one from each ward, shall be elected by the qualified voters thereof.

7. The term of office for Councilmen (except to fill vacancies) shall be three years, except as directed in the previous section, and until their successors shall have been elected and qualified as hereinafter provided. The term of office for the Mayor and Recorder shall be for two years or until their successors shall have been elected and qualified, and the term of office for the Sergeant and Treasurer shall be for the same period. (Amended. See page 15.)

8. The Mayor, Recorder and Councilmen must be freeholders in said corporation, and entitled to vote for members of its common council.

9. The said city shall consist of three wards, as at present located and bounded, under an ordinance of the Council of Charleston; but the said Council may hereafter increase the number of wards, or alter and change the names, location and boundaries thereof. Elections under this act shall be held on the second Monday in March, in each year, at such places in the respective wards as the Council may, from time to time, prescribe by ordinance. The said elections to be under the supervision of three inspectors, at each election precinct in said city, who are to be annually selected and appointed by the Council of said city, and who shall be governed by such rules and regulations as the Council may prescribe. The officers conducting the elections shall grant a certificate to the persons receiving the highest number of votes cast at such election, (except in the case of Mayor, Recorder, Sergeant and Treasurer) which certificate shall be recorded in the journal kept by the Council.

10. As soon as the result of such election for Mayor, Recorder, Sergeant and Treasurer, is ascertained, the inspectors of election shall sign a certificate containing complete returns of the polls taken at their place of voting, for each of the said officers, and shall enclose the ballots in an envelope, which shall be sealed up and endorsed by each of such inspectors. The inspectors, or one of them, shall within three days after the day on which the election was held, deliver the said certificate and the ballots sealed up

as hereinbefore provided, to the Recorder of the City of Charleston. At the next meeting of the Council thereafter, the Recorder shall present such certificates and ballots to the Council, who shall examine the same and ascertain the true result of such election in said city. And the persons appearing to have received the highest number of all the votes cast at the several voting places in said city, for the several offices mentioned in this section, shall be declared elected, and a certificate thereof, signed by the Mayor and Recorder, shall be granted to the person so elected.

11. Every male person residing in said city shall be entitled to vote for all officers elected under this act; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the State for one year, and of the City of Charleston for thirty days, and of the ward in which he offers to vote, for five days next preceding such offer, or who has not been assessed with corporation taxes, in the last preceding year, or who has not paid the same, shall be permitted to vote at any election under this act while such disability continues: "*Provided*, that if any person's right to vote be challenged on account of any constitutional disability, not herein mentioned, such person shall not be denied the right to vote, unless, and until record evidence be produced." (Amended. See page 15.)

12. All vacancies occurring from any cause, in any of the offices provided for in this act, shall be filled by appointment by the Council, but in the case of a Councilman, such appointment shall be made only of a resident of the ward in which such vacancy has occurred.

13. At all elections the vote shall be by ballot.

14. Whenever two or more persons, for the same office, at any election, shall receive an equal number of votes, the Council shall in an equitable mode, determine which of the persons so voted for shall be returned elected.

15. All contested elections shall be heard and decided by the Council for the time being, but the Council may order a new election if they are satisfied the ends of justice will be better attained thereby.

16. A majority of the whole number of officers mentioned in the second section of this act shall be necessary to the transaction of any business whatever.

17. The Mayor, Recorder, Councilmen, and all officers herein provided for, shall each, before entering upon the duties of his office, and within two weeks from the time of his election or appointment, take and subscribe an oath to faithfully and impartially discharge the duties of his office, and the oath to support the Constitution of the United States and the Constitution of the State of West Virginia. The Mayor having taken such oath or affirmation, may administer the same to the Councilmen and other of-

ficers. Certificates of said oath or affirmation, shall be recorded in the journal kept by the Council. (Amended. See page).

18. If any one who shall have been duly elected Mayor, Recorder or Councilman, shall not have been eligible as herein prescribed, or shall refuse or fail to take the oath or affirmation required under this act, within the time prescribed, the Council for the time being, shall declare his office vacant, and proceed to fill such vacancy as provided in section eleven of this act. (Amended. See page 15).

19. The Council shall be presided over at its meetings by the Mayor, or in his absence by one of the Councilmen, chosen by a majority of the Council present.

20. The Council shall cause to be kept in a well bound book, an accurate record of its proceedings, by-laws, acts and orders, which shall be fully indexed, and open to the inspection of the citizens of the city. The proceedings of each meeting shall be read and corrected at the succeeding meeting and signed by the person presiding for the time being. Upon the call of any member the yeas and nays shall be called and recorded in the journal. The presiding officer may vote as a member of the Council, and in all cases of a tie, the person presiding at the time shall have the casting vote. (Amended. See page 17.)

21. The Council shall have power to re-survey said town, and for this purpose may employ a competent engineer (which officer may be made elective by order of the Council) and prescribe his duties, term of office and amount of compensation; to open new streets, and extend, straighten, widen and repair old streets and alleys; to curb and pave streets, sidewalks and gutters for public use, and to alter, improve and light the same; and shall assess upon, and collect from the property benefitted thereby, such part of the expense thereof, as shall be deemed equitable and just by said Council; and shall have control of all avenues for public use in said city; to have the same kept in good order and free from obstructions on, or over them; to regulate and determine the width of all streets, sidewalks and public alleys; to order and direct the curbing and paving of all sidewalks and footways for public use in said city, to be done and kept in good order by the owners or occupant of the adjacent property; to control the construction and repairs of all houses, bridges and culverts, and sewers, the opening and construction of all ditches, drains, sewers and gutters; to widen, deepen and clear the same of stagnant water and filth, and to determine at whose expense the same shall be done; to purchase, lay off and appropriate public grounds and control the use of the same; to provide, contract for and take care of all public buildings proper to the town; to provide for the regular building of houses or other structures; and determine the distance that they shall be built from any street or alley; to cause the removal

of unsafe walls or buildings; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated anything which, in the opinion of the Council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide in, or near the city, places for the burial of the dead, and to regulate interments in the city, and to provide for shade and ornamental trees; to provide for the making of division fences, and for draining of lots by proper drains and ditches; to make regulation for guarding against danger or damages from fires; to provide for the poor of the city; to organize one or more fire companies and provide the necessary apparatus, tools, implements, engines, or any of them, for their use, and in their discretion to organize a paid fire department, and to provide sufficient revenue for the said city, and appropriate the same to its expenses; and to provide for the annual valuation of property and the assessment of taxable persons and property in the city; to adopt rules for the transaction of business, and for the government and regulation of its own body; to promote the general welfare of the city, and to protect the persons and property of the citizens therein; to appoint such officers as they may deem proper; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds, with such sureties and in such penalty, as the Council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure, (all bonds taken by the Council shall be made payable to the city by its corporate name); to regulate and provide for the weighing of hay, coal, wood and other articles sold, or for sale in said city, and to regulate the transportation thereof through the streets; to establish and regulate markets, to prescribe the time for holding the same, and what articles shall be sold only in said markets; to protect places of divine worship; to lay off the city into three or more wards, and to appoint and publish the place of holding city elections; to erect, or authorize or prohibit the erection of gas works or water works in or near the town; to prevent injury to, and provide for the protection of the same; to provide for the purity of the water and healthfulness of the city, for all of which purposes, except that of taxation, the Council shall have jurisdiction for one mile beyond the corporate limits of said city.

22. To carry into effect these enumerated powers, and all others conferred upon the said city or its Council expressly or by implication in this or any other acts of the Legislature, the Council shall have power to adopt and enforce all needful orders, by-laws and ordinances not contrary to the laws and Constitution of the State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment under judgment and order of the Mayor or Recorder of said city, or the persons lawfully exercising their

functions, and the Council, with the consent of the county court of Kanawha county, entered of record, may have the right to use the jail of said county for any purpose necessary in the administration of its affairs.

23. It shall be lawful for the Council to establish and construct landings, wharves and docks on any ground which does or shall belong to said city, and to repair, alter or remove any building, wharf or dock which has been or shall be so constructed, and to levy and collect a reasonable duty on vessels coming to or using the same; and it shall have power to pass and enforce such ordinances as shall be proper to keep the same in good order and repair, to preserve peace and good order at the same, and regulate the manner in which they shall be used; they shall have power to appoint as many wharf-masters for said city as may appear necessary, to prescribe their duties, fix their fees and make all regulations in respect to such officers as they may deem proper.

24. The Council shall cause to be annually made up and entered upon its journal an account and estimate of all sums which ought to be paid within one year, and it shall order a levy of so much as in its opinion may be necessary to pay the same, not exceeding that allowed by law.

25. The levy so ordered shall be upon all male persons, residents of said city, over the age of eighteen years, all real and personal estate within such town subject to State or county taxes.

26. Whenever anything for which a State license is required, is to be done within said city, the Council may require a city license to be had for doing the same, and may impose a tax thereon for the use of the city, and the Council may in any case require from the person licensed, a bond, with such sureties and in such penalty and with such conditions as it may deem proper, and may revoke such license at any time if the condition of said bond be broken. And no license to sell strong or spirituous liquors or wine or beer, ale, porter or drinks of like nature within said city, or within one mile of the corporate limits thereof, shall be granted by the county court of Kanawha county, unless the person applying therefor shall produce to said county court the certificate of the Council of said city of its consent to the granting of such license. They may impose a license and assess a tax thereon on all wheeled vehicles for public hire, and upon all dogs kept within the corporate limits.

27. The Sergeant shall have the power to collect the city taxes, fines and levies, and shall have the power, one month after he shall have received the books of the assessor of said city, to distrain and sell therefor, in like manner as the sheriff may distrain and sell for State taxes, and shall in other respects have the same powers as a sheriff to enforce the payment and collection thereof, and the said Sergeant shall have power to exercise within the corporate limits of said city all the duties that a constable can legally exercise in

regard to the collection of claims, executing and levying process, and he shall be entitled to the same compensation therefor; except in the case of the arrest of any person for violating any of the ordinances of the Council, upon the conviction of said person he shall be entitled to one dollar for such arrest, to be taxed in the costs against the person convicted. And he and his securities shall be liable to all fines, penalties and forfeitures that a constable is legally liable to, for any failure or dereliction in his said office, to be recovered in the same manner and before the same courts that said fines, penalties and forfeitures are now recoverable against constables. (Amended. See page 17.)

28. There shall be a lien upon real estate within said corporation for the city taxes assessed thereon from the commencement of the year in which they are assessed, and for all other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of the city, from the time the same are so assessed or imposed, which lien shall be enforced by the Council in the same manner as the lien for taxes for county purposes is now enforced, or by appropriate suit in any court of record in Kanawha county. The lien aforesaid shall have priority over all other liens, except that for taxes due the State. The lien upon real estate within said corporation for corporation taxes, heretofore assessed thereon and not paid, may be enforced by appropriate suit in any court of record in Kanawha county: *Provided*, such suits be instituted within five years from the commencement of the year in which such taxes were assessed.

29. The Council may prohibit any theatrical or other performance, show or exhibition, which it may deem injurious to the morals or good order of the city.

30. The Council shall have power to require and take from the Sergeant and Treasurer, bonds with sureties satisfactory to the Council, in such penalty as it may deem sufficient, except that as to the Sergeant, it shall not be for a penalty less than ten thousand dollars; and said bond shall be conditioned for the true and faithful performance of his duties as Sergeant, and for the collecting and accounting for and payment of the taxes, fines and other moneys of the city which shall come into his hands, or which it shall be his duty to collect, at such times and to such persons as the Council may order. The Treasurer's bond shall be conditioned for the true and faithful performance of his duties as Treasurer, and that he will faithfully pay over and account for all moneys that shall come into his hands as Treasurer, when and as he shall be thereto required by the Council. (Amended. See page 15.)

31. The Mayor shall be the chief executive officer of the city, and shall take care that all by-laws, ordinances and orders of the Council are faithfully executed. He shall be *ex officio* a conserva-

tor and justice of the peace within the city, and shall, within the same, exercise all the powers and duties vested in justices, except that he shall have no jurisdiction as such in civil cases. He shall have control of the police of the city, 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 said city are preserved, and that the persons and property therein are protected; and to this end he may cause the arrest and detention of all rioters and disorderly persons in said city, before issuing his warrant therefor. He shall have power to issue execution 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 Kanawha county until the fine or penalty and costs shall be paid, to be employed during the term of his imprisonment as hereinafter provided; but the term of imprisonment in such cases shall not exceed thirty days. He shall from time to time recommend to the Council such measures as he may deem needful to the welfare of the city. He shall receive a compensation for his services to be fixed annually by the Council, which shall not be increased nor diminished during the year.

32. The duty of the Recorder shall be to keep the journal of the proceedings of the Council, and have charge of and preserve the records of the city. He shall attend the Mayor in all examinations, receive and issue his orders, swear witnesses and perform all the duties of a clerk in the Council and Mayor's court. In the absence of the Mayor, he shall have all the authority of that officer, and shall exercise the functions of the office of Mayor. He shall charge the Sergeant with the whole amount of the taxes on the Assessor's books, in a book provided for the purpose, and shall give him credit for all the money shown by Treasurer's receipts to have been paid to the Treasurer, and such other credits as the Council may direct or be allowed by law, and shall charge the Treasurer, in a book provided for the purpose, with all the money shown to have been received by him from the duplicate receipts received from the Sergeant, and credit him with all the orders issued by authority of the Council. He shall receive a compensation for his services to be fixed annually by the Council, which shall not be increased or diminished during the year.

33. It shall be the duty of the city Sergeant to collect the taxes, fines and other income and revenue of the city, as specified in his bond, and to account for and pay the same to the Treasurer at such time as the Council may order, and in order that he may do this properly, he shall have a copy of the Assessor's books and be charged with the amount of the taxes assessed thereon and also with all licenses granted and fines charged; every six months, or oftener if required to do so by the Council, a delinquent list, to

which he shall make oath, of such taxes as he can not collect, which the Council may, if they deem it just, allow and order him credited therewith. The said Sergeant shall do and perform all other acts pertaining to the office of Sergeant of a corporation, and of a police officer and constable within said city, and as such, shall have the same powers, duties, fees and liabilities as are by law prescribed to a constable. He shall for his services receive such compensation as shall be fixed by the Council. (Amended. See page 17.)

34. All moneys belonging to said city, shall be paid over to the Treasurer, and be receipted for in duplicate by him, none of which shall be paid out by him except as the same shall have been approved and ordered to be paid by the Council, and the said Treasurer shall pay the same upon the certificate of the Recorder, or, in his absence, upon the certificate of the Mayor. (Amended. See page 18.)

35. If the said Treasurer shall fail to account for and pay over all or any moneys that shall come into his hands when thereto required by the Council, it shall be lawful for the Council, in the corporate name of the city, by motion before the circuit or county court of Kanawha county, after ten days previous notice, to recover from the Treasurer and his sureties, or their personal representatives, any sum that may be due from said Treasurer to said city.

36. If the Sergeant shall fail to collect, account for and pay over all the taxes, fines and other revenue of the town in his hands for collection, according to the conditions of his bond, it shall be lawful for the Council to recover the same by motion in the corporate name of the city before the said circuit or county court of Kanawha county, after ten days notice, against the said Sergeant and sureties, or any or either of them, his or their executors or administrators.

37. The said city and the taxable persons and property therein shall be exempt from all expenses or liability for the construction or repair of roads or bridges, or other taxes for county or district purposes, outside the corporate limits of said city, for any year in which it shall appear that said city shall at its own expense provided for its own poor and keep its streets in order.

38. All rights, privileges and properties of the said city heretofore acquired and possessed, owned and enjoyed by any act now in force, shall continue undiminished and remain vested in said city under this act; and all laws, ordinances, acts and resolutions of the Council now in force and not inconsistent with this act, shall be and continue in full force and effect until regularly repealed by a Council elected as provided under this act.

39. The Council shall adopt all needful and just ward regulations, whether general or special, for the good of the citizens thereof; it shall also authorize street expenditures in the several wards as equity and justice shall demand, and may authorize the

collection of a special tax for a specified purpose. Whenever, in the opinion of the Council, it becomes necessary to lay off said city into more than three wards, the said Council shall so lay it off and apportion the Councilmen of said city so that each ward shall be equally represented in the Council.

40. The Council shall provide for the employment and safe keeping of persons who may be committed for default in payment of fines, penalties or costs under this act, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the city, and to use such means to prevent their escape while at work as they may deem expedient; and shall keep on hand an ample supply of necessary material for the same, and shall provide all necessary tools, implements, fixtures and facilities for the immediate employment of any and all of such persons; shall fix a reasonable rate per diem as wages to be allowed to any such person until such fine and costs against him are discharged, and the Recorder shall keep an account of all fines and penalties so collected and expended.

41. This act shall, at all times, be subject to modification or repeal, at the pleasure of the Legislature.

42. This act shall be in force from the passage thereof.

A. MONROE,
Speaker of the House of Delegates.

D. D. JOHNSON,
President of the Senate.

[NOTE BY THE SECRETARY OF STATE.—The foregoing act, having been presented to the Governor for his approval and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the Constitution of the State, has become a law without his approval.]

A true copy from the Rolls.

Attest: J. B. PEYTON,
Clerk of the House of Delegates and Keeper of the Rolls.

AMENDMENT TO CHARTER.

AN ACT to amend and re-enact sections seven, eleven, seventeen, eighteen and thirty of chapter thirty-nine of the Acts of one thousand eight hundred and seventy-five, of the Charter of the City of Charleston, of the county of Kanawha.

[Passed February 22, 1877.]

Be it enacted by the Legislature of West Virginia:

1. That sections seven, eleven, seventeen, eighteen and thirty of chapter thirty-nine of the Acts of 1875, be amended and re-enacted so as to read as follows:

"7. The term of office of Councilmen shall be three years; that of Mayor, Recorder, Sergeant and Treasurer shall be for two years, except when they are to fill vacancies. No Councilman shall hold any other office under this act.

"11. Every male person residing in said city shall be entitled to vote for all officers elected under this act, but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony or bribery at an election, or who has not been a resident of the State for one year, and of the city of Charleston for sixty days, and of the ward in which he offers to vote thirty days next preceding such offer.

"17. The Mayor, Recorder, Councilmen and all officers herein provided for, shall each, before entering upon the duties of his office and within two weeks from the time of his election or appointment, take and subscribe an oath to faithfully and impartially discharge the duties of his office, and the oath to support the Constitution of the United States and the Constitution of the State of West Virginia.

"The Mayor, Recorder, Sergeant, Treasurer and any other officer required to give bond shall, within the said two weeks, give bond with approved security.

"The Mayor having taken such oath or affirmation may administer the same to the Councilmen and other officers. The said oath or affirmation, together with the bonds, shall be recorded in the journal kept by the Council.

"18. If any one who shall have been duly elected or appointed Mayor, Recorder, Sergeant, Treasurer, Councilman, or other officer shall not have been eligible at the time of his election or appointment, or shall refuse or fail to take the oath or affirmation and give bond as required under this act, within the time prescribed, the Council shall declare his office vacant, and proceed to fill such vacancy, as provided in section twelve of this act.

"30. The Council shall have power to require and take from the Mayor, Recorder, Sergeant, Treasurer, or any other officer that may be appointed or elected to any office or trust under this act, an official bond, and the said Council shall determine the amount of the penalty of the bond, and shall, by a recorded vote, determine and approve said bond or bonds. The bond of the Sergeant shall not be for a less amount than twenty thousand dollars, and all such bonds shall be made payable to the City of Charleston, and shall be conditioned for the true and faithful performance of the duties of his office, and that he will faithfully pay over and account for all moneys that shall come into his hands as such officer, whenever and as he shall be required by the Council. No Councilman or other officer of the city shall be taken as security on any of the bonds of any other officer; and new or additional bonds may be required of any of the said officers at any time, and

in the event the said officer fails or refuses to give such new or other bond when required by the Council, within thirty days after said requirement, his office shall be declared vacant.

The Council shall have power to remove any of its officers or members for good cause shown, and the order of removal shall show the cause, and the same shall be entered of record on the journal of the Council. Misconduct in office, habitual or willful neglect of duty, manifest incompetence, the commission of any offence punishable by imprisonment or involving a violation of his official oath, habitual intemperance or grossly immoral conduct shall be deemed good cause of removal.

[Approved February 26, 1877.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.—The foregoing act takes effect from its passage, two-thirds of the members elected to each House, by a vote taken by yeas and nays, having so directed.]

SECOND AMENDMENT TO CHARTER.

AN ACT to amend the Charter of the City of Charleston, and to change the boundaries of said city.

[Passed March 10, 1881.]

Be it enacted by the Legislature of West Virginia :

1. That sections one, twenty, twenty-seven, thirty-three and thirty-four of chapter thirty-nine of Acts of one thousand eight hundred and seventy-five, be amended so as to read as follows :

1. That the corporate limits of the City of Charleston shall be as follows, to-wit: Beginning at the Kanawha river at low water mark, on the line dividing the estate formerly owned by Bradford Noyes, deceased, from the lands next above the same, and running thence with said dividing line to the base of the hill on the upper side of the Piedmont road or street; thence by a continuation of said dividing line one hundred and fifty feet; thence down toward Elk river by a line one hundred and fifty feet above said road or street to the point of intersection with the lower line of Broad street extended; thence with the line so extended to the upper side of said road or street; thence down said road or street and on the upper side thereof at the base of the hill to Capitol street, at the end thereof; thence along the base of the hill and on the upper side of the Elk river road to the lower lines of the Charleston brewery; thence with said lines to Elk river at low water mark; thence down Elk river at low water mark to its mouth at Kanawha river; thence up Kanawha river at low water mark to the place of beginning.

20. The council shall cause to be kept in a well bound book an accurate record of all its proceedings, by-laws, acts and orders, and which shall be fully indexed and open to the inspection of the citizens of the city. The proceedings of each meeting shall be read and corrected at the next succeeding regular meeting, and signed by the person presiding at the time of said reading. Upon the request of any member, the ayes and noes shall be taken, and the vote so taken entered upon the journal. The presiding officer may vote as a member of the council, and a majority of all the votes cast shall be necessary to carry the proposed measure.

27. The Sergeant shall have power to collect the city taxes, levies, wharfage, licenses and all other claims due the city placed in his hands by the council for collection. He may distrain and sell for taxes, and in all respects have the same power to enforce the collection thereof as the sheriff has to enforce the payment of State taxes, after sixty days from the time the assessor's books are placed in his hands for collection. He shall take nothing but money for taxes he has to collect, nor for any other collection without the direction of the council. He shall give bond in such amount as the council may require, but in no case shall his said bond be for a less sum than twenty thousand dollars. He shall not collect the fines imposed by the mayer, nor shall he have any control of the police, but the council may appoint a marshal, who shall be chief of police, who shall collect said fines, and whose duties and compensation may be determined by said council.

33. It shall be the duty of the sergeant to collect all such taxes, levies and other claims due the city that may be placed in his hands for collection by the council, and shall pay over said taxes as follows: One half the levy on or before the first day of March, and the residue on the first day of September next succeeding the date when said taxes were placed in his hands for collection; and he shall pay interest at the rate of ten per cent. per annum on any deficiency on said payments from the day he shall so fail to pay as required. He shall be charged with all such collections, and no deductions shall be allowed him for taxes unless he make a delinquent list within one year from the time he receives the assessor's books for collection, and return the said list to the council, with an oath thereto attached, stating that the said list is correct and just; that he has received no part of the taxes mentioned in said list so returned, and that he has used due diligence to find property liable to distress for said taxes, and has found none, and that he could not collect the same. The same person shall not, after the first election had under this act, be elected or appointed to the office of sergeant for two successive terms, or parts of terms, nor shall any person who acted as deputy be elected as successor to such sergeant, nor shall any sergeant act as deputy to his successor; but the sergeant shall have six months after the close of his term in which to close up his collections.

34. All moneys belonging to the city shall be paid to the treasurer and be receipted for by him in duplicate, and none of which shall be paid out by him except upon an order of the Council signed by the Mayor and Recorder. The Council may fund its indebtedness by issuing bonds of the city, payable within twenty years, bearing no greater rate of interest than six per cent., but the indebtedness of the city shall not thereby be increased without the consent of the voters of said city being first had and obtained, as provided for by law. Such bonds shall not be sold for less than par, nor exchanged for the evidences of indebtedness of said city except dollar for dollar; and there shall be provided a sinking fund that will discharge the said bonds and interest thereon as the same shall become due; said bonds shall express on their face that they may be paid at any time after five years from their date, at the pleasure of the Council, and a record shall be kept of all proceedings hereunder. *Provided*, that nothing herein contained shall be construed to authorize an increase of the bonded indebtedness beyond the amount now allowed by law.

2. All acts or parts of acts inconsistent herewith are hereby repealed.

[Approved March 12, 1881.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.—The foregoing act takes effect from its passage, two-thirds of the members elected to each House, by a vote taken by yeas and nays, having so directed.

ORDINANCES.

WARDS.

AN ORDINANCE

Dividing the City of Charleston into three Wards.

WHEREAS, The Charter of the City of Charleston has been amended and re-enacted by an act of the Legislature of West Virginia passed the — day of —, 1875, entitled "An act to amend and re-enact the Charter of the City of Charleston, in the county of Kanawha," and by said amended charter it is provided that said city shall be divided into three Wards, as located and bounded at the time of the passage of said act; and whereas, the corporate limits of said city were altered by section 1, chap. 67 of the Acts of 1881; and whereas, It is deemed expedient more definitely to define the boundaries of said Wards; therefore

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the territory embraced within the corporate limits of said city be, and the same is hereby divided into three Wards, to be known and designated as the First, Second and Third Wards, respectively.

The first Ward shall embrace the territory bounded as follows, to-wit: Beginning on the upper side of Elk river at low water mark at a point where the same empties into Kanawha river, thence up the Kanawha river and binding thereon at low water mark to a point where Court street joins the Kanawha river, and on the lower or northwest side of same, thence with said Court street on the lower side of same to Donnally street, thence with said Donnally street on the lower side of same to Elk river at low water mark, and thence with Elk river and binding thereon at low water mark to the beginning.

The Second Ward shall embrace the territory bounded as follows, to-wit: Beginning at low water mark on Kanawha river, at a point where Capitol street, if prolonged on a straight line, would touch the river, and on the lower side of said street, and thence

with said Capitol street, on the lower line, or north-west side of said street, to upper side of the road leading up Elk river, thence with the upper side of said road to the lower line of the Charleston brewery; thence with said lower line to Elk river, at low water mark; thence with Elk river, and binding thereon at low water mark, to the upper line of the First Ward on Elk river; thence with said line along Donnally and Court streets to the Kanawha river at low water mark; thence with said river and binding thereon at low water mark to the beginning.

The Third Ward shall embrace the territory bounded as follows, to-wit: Beginning on Kanawha river at low water mark, at the upper corner of the Second Ward, thence up the Kanawha river and binding thereon at low water mark, to the upper exterior line of the corporation; thence with said exterior line to a point one hundred and fifty feet beyond the Piedmont road; thence toward Elk river by a line one hundred and fifty feet above said road to the point of intersection with the lower line of Broad street extended; thence with said line so extended to said road; thence down said road and on the upper side thereof at the base of the hill to the lower side of Capitol street extended, and thence with said lower side of Capitol street to the beginning.

MUNICIPAL ELECTIONS.

AN ORDINANCE

Relating to Municipal Elections.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That on the second Mondy in March of each year an election shall be held by the qualified voters of the said city, at which election there shall be elected by the qualified voters of each ward, one Councilman for that ward, who shall be a resident of the ward for which he is elected and a free-holder in said city. At every alternate election aforesaid, commencing with the one to be held in the year 1886, there shall be elected by the qualified voters of the city, a Mayor, Recorder, Sergeant and Treasurer. The Mayor and Recorder must be free-holders in the city. All officers elected as aforesaid must be citizens of said city and entitled to vote for members of Common Council thereof, and must be eligible at the time of their election.

SEC. 2. At the said election every male person residing in said city shall be entitled to vote, unless he be a minor, or of unsound mind, or a pauper, or under conviction of treason, felony or bribery at an election, or unless he has not been a resident of the State for one year, and of the City of Charleston for sixty days, and of the Ward in which he offers to vote thirty days next preceding such offer.

SEC. 3. The elections contemplated in this ordinance shall be held at such places in the respective wards as the Council may, from time to time, prescribe by ordinance. Said elections shall be conducted under the supervision of three inspectors, at each election precinct in the city, who shall be annually selected and appointed by the Council, and shall be governed by the rules and regulations set forth in the two sections next succeeding.

SEC. 4. It shall be the duty of each of said inspectors before entering upon the discharge of their duties to 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 the State of West Virginia, 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. The said oath shall appear properly certified on one of the poll books used at every place of voting, and in no case shall the votes taken at any place of voting be counted unless said oath so appears, or unless it be proved to the satisfaction of the Council that said oath was taken before said inspectors entered upon the discharge of the duties of their appointment. Clerks of election appointed by the Council, shall be subject to all the requirements of this section. All of the provisions of the law of this State, so far as may be, shall be held to be applicable to all elections provided for in this ordinance.

SEC. 5. The Inspectors conducting the election at any Ward precinct shall grant a certificate of election to the person receiving the highest number of votes cast at said election for the office of Councilman for that ward, which certificate of election shall be recorded in the journal kept by the Council.

SEC. 6. As soon as the result of the election for Mayor, Recorder, Sergeant and Treasurer is ascertained, the said inspectors of election for each ward precinct shall sign a certificate containing complete returns of the polls taken at said precinct for each of said officers, and shall enclose the ballots in an envelope, which shall be sealed up and endorsed by each inspector. The inspectors for each precinct, or one of them, shall within three days after the day on which the election was held, deliver the said certificate and the ballots sealed up as hereinbefore provided, to the Recorder.

At the next meeting of Council thereafter, the Recorder shall present such certificates and ballots to the Council, who shall examine the same and ascertain the true result of such election in said city.

And the persons appearing to have received the highest number of all the votes cast at the several voting places in said city, for the several offices mentioned in this section, shall be declared

elected, and a certificate thereof signed by the Mayor and Recorder, shall be granted to the person so elected, and the result of the election shall be entered upon the record of the Council.

SEC. 7. Before any election for City or Ward officers the Recorder shall prepare and deliver to the inspectors of election at the several places of voting, proper poll books, and he shall also procure and deliver to them suitable ballot boxes.

SEC. 8. Whenever two or more persons, for the same office, at any election, shall receive an equal number of votes, the Council shall in an equitable mode determine which of the persons so voted for shall be returned elected.

SEC. 9. All contested elections shall be heard and decided by the Council for the time being; but the Council may order a new election if they are satisfied that the ends of justice will be better attained thereby; in which case, such election shall be conducted and returned in the manner provided in this Ordinance.

SEC. 10. No Councilman shall hold any other office contemplated by any law of this State granting any corporate powers to said city.

SEC. 11. All elections by the qualified voters of said city shall be by ballot. But all elections by the Common Council shall be *viva voce* and entered upon the journal of the Council as provided by Sec. 44 of Art. VI. of the Constitution of West Virginia.

SEC. 12. Upon any election to ascertain the sense of the qualified voters of said city as to the ratification of any ordinance providing for the issue of city bonds or for other purposes, the election shall be conducted and returned as the election for Mayor is conducted and returned.

SEC. 13. The Council shall select and appoint two clerks of election for each voting precinct, For conducting and returning any city election, each of said clerks and each of said inspectors shall be paid two dollars out of the Contingent Fund.

OATHS OF OFFICE.

AN ORDINANCE

Relating to Oaths of Office.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the Mayor, Recorder, Sergeant, Treasurer, Councilmen, Assessor, Weighmaster, Poundmaster, Sexton of Spring Hill Cemetery, Street Commissioner, Policemen or other officers elected by or appointed under the authority of the Council shall, before entering upon the duties of their respective offices, and within two weeks from the time of their election or appointment, take and subscribe an oath to faithfully and impartially discharge the duties of their respective offices, and the

oath to support the Constitution of the United States, and the Constitution of the State of West Virginia. The Mayor having taken and subscribed such oaths may administer the same to the Councilmen and other officers herein mentioned. The said oaths shall be recorded in the journal kept by the Council.

SEC. 2. If any one who has been duly elected or appointed Mayor, Recorder, Sergeant, Treasurer, Councilman or other officer herein mentioned shall refuse or fail to take and subscribe the oaths of office herein prescribed within the time herein prescribed, the Council shall declare his office vacant and proceed to fill such vacancy as prescribed by law.

OFFICIAL BONDS.

AN ORDINANCE

Relating to Official Bonds.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the Mayor, Recorder, Sergeant and every other officer required by law or ordinance to give an official bond, shall within two weeks from the time of his election or appointment, give such bond, in the penalty prescribed, with security to be approved by the Council, and said bond as well as the vote by which the same is approved shall be recorded. If any of said officers shall refuse or fail to give such bond within said two weeks, the Council shall declare his office vacant and proceed to fill such vacancy as provided by law.

SEC. 2. All official bonds shall be made payable to "The City of Charleston," and shall be conditioned for the true and faithful performance by the officer of the duties of his office, and that he will faithfully pay over and account for all money that shall come into his hands as such officer, whenever and as he shall be required by the Council.

SEC. 3. No Councilman or other officer of the city shall be taken as security on the bond of any other officer.

SEC. 4. In the event that any of the said officers shall fail or refuse to give new or additional bond when required by the Council, within thirty days after said requirement, his office shall be declared vacant.

SEC. 5. The official bond of the Sergeant shall not be for a less amount than twenty thousand dollars.

THE COMMON COUNCIL.

AN ORDINANCE.

Relating to the government and regulation of the Common Council.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston*

That the Common Council shall hold its regular meetings in the City Hall on every Thursday night. The Council may at a regular meeting adjourn to hold a special meeting on a day and at an hour to be entered of record. Special meetings may be called by the Mayor, or by any five members. But the call for a special meeting shall state the business to be transacted thereat, and notice of the time and object of the special meeting shall be served upon each member of the Common Council personally, or shall be left at his usual residence or place of business and the return of service upon such notice shall be reported to Council and recorded in its Journal.

SEC. 2. At any special meeting of Council no business other than that stated in the call aforesaid shall be transacted. Any such business shall be ruled out of order by the Mayor or other person presiding.

SEC. 3. All meetings of Council shall be presided over by the Mayor, if he be present thereat. In his absence the meeting shall be presided over by a Councilman to be chosen by a majority of the Council present.

SEC. 4. The proceedings of each meeting shall be read and corrected at the next succeeding regular meeting, and signed by the person presiding at the time of such reading.

SEC. 5. The voting at meetings of Council shall be *viva voce*, and in all cases where the vote is upon the adoption, repeal or alteration of an Ordinance, or upon the approval of an official bond, or upon the election of any officer, said vote shall be called by the ayes and noes and entered on the record of the Council. Upon the request of any member the ayes and noes shall be taken on any question, and the vote so taken entered on the record.

SEC. 6. The Mayor or other presiding officer may vote as a member of the Council. In the absence of the Mayor the Recorder may vote.

SEC. 7. The Common Council of the City of Charleston shall be composed of the Mayor, Recorder and three Councilmen for each of the three wards, and a majority of the whole number of these officers shall be necessary to constitute a *quorum* for the transaction of any business whatever.

SEC. 8. Except upon the adoption of an Ordinance or upon the final vote in impeachment proceedings, or upon proceedings had by the Council for the abatement of a nuisance, all questions shall be carried by a simple majority of all the votes cast. Every member entitled to vote shall be required to do so, unless he be interested personally in the matter under consideration or unless he be excused by Council, nor shall he vote upon any question upon which he may be interested otherwise than as a citizen.

SEC. 9. Whenever two or more persons, for the same city office, at any election by the people, shall receive an equal number of

votes, the Council shall, in an equitable mode, determine which of the persons so voted for shall be returned elected. All contested elections shall be heard and decided by the Council for the time being; but the Council may order a new election if they are satisfied that the ends of justice will be better attained thereby.

SEC. 10. The Common Council shall have power to impeach and remove from office any of its officers or members for good cause shown, in the manner prescribed in the ordinance relating to the impeachment of city officers.

SEC. 11. All accounts against the city shall be audited at the first regular meeting in each month, and at no other meeting, unless it be for money due at other times upon special contracts.

SEC. 12. The Mayor, or other presiding officer shall have power and it is hereby made his duty to preserve order and decorum at all deliberations of the Council. If any member of the Common Council, or other person, behave in any unseemly or insulting manner at any meeting of Council, or disturb or interrupt the same, he may be forthwith arrested and held to answer a complaint in the Mayor's court therefor; and upon conviction, he shall be fined not less than one nor more than fifty dollars, with costs.

SEC. 13. At the hour appointed for the meeting of Council, the Mayor or other presiding officer shall take the chair and direct a call of the members by the Recorder. If a quorum be present, the presiding officer shall call the Council to order and proceed with the order of business as follows:

ORDER OF BUSINESS.

1. Reading, correcting and signing at all *regular* meetings, the minutes of the preceding meeting. At a *special* meeting this may be dispensed with.

2. Unfinished Business; a preference being given to such as may have been made the special order for this meeting.

3. Presenting and disposing of accounts.

4. Petitions, which shall, in all cases, be in writing, and signed by petitioner.

5. Reports of officers and committees, both standing and special.

6. Ordinances.

7. New Business.

8. Adjournment.

SEC. 14. A member of the Council, in speaking, shall rise to his feet and address the chair. When two or more members rise at once, the presiding officer shall name the member who is to speak first.

SEC. 15. Any member may be called to order; in which case the member so called to order shall immediately sit down. The point of order shall be stated, at the request of the presiding officer, by the member raising it, and it shall, as shall all points of order, be decided by said officer without debate, before proceed-

ing to other business. The decisions of points of order by the presiding officer, shall be subject to appeal to the Council.

SEC. 16. No motion shall be debated or put unless the member making it rise in his place, or until it be distinctly stated by the presiding officer. Upon the request of the presiding officer or any other member, the member making a motion shall reduce the same to writing. After a motion is thus stated by the Chair, it may not be withdrawn, except by consent of a majority of the Council present.

SEC. 17. When a motion is pending, no other motion shall be in order except the following, which shall have precedence in the order named :

1. To adjourn ; which motion shall always be in order.
2. To lay on the table.
3. For the previous question.
4. To postpone to a day certain.
5. To refer to a committee.
6. To amend or to divide.
7. To postpone indefinitely.

A motion to adjourn, to lay on the table, to postpone indefinitely, or for the previous question, shall be decided without amendment or debate. A motion to refer or to postpone to a day certain, shall preclude all debate of the main question.

SEC. 18. The "Previous Question" shall be as follows: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments or debate. When, on taking the previous question, the Council shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the ordinance, resolution or other matter under consideration ; but unless amendments thereto are pending, the question shall first be taken upon such amendments in their order.

SEC. 19. After the affirmative of any question has been taken, no member shall speak to the question, nor shall any motion, until after the result is declared, be made.

SEC. 20. When a question has been once put and decided, it shall be in order for any member who voted on the prevailing side of said question to move a reconsideration thereof; but no motion for a reconsideration of any vote shall be in order after the subject upon which the vote was taken shall have gone out of the Council, unless with the consent of six members of the Common Council. A motion for reconsideration, if lost, shall not again be repeated at the same meeting of Council, nor shall any question be reconsidered more than once.

SEC. 21. Whenever, in the opinion of the Council, it may seem proper, that body may go into secret session; and all acts and proceedings of Council, or any member thereof, in secret session,

which are not matters of record, shall be kept secret until the Council shall remove all injunctions to secrecy.

SEC. 22. Any member of the Common Council may protest against the action of the Council, and have his protest entered on the journal, if couched in respectful language.

SEC. 23. Smoking shall not be allowed in the Council Hall during meetings of the Council.

SEC. 24. Whenever any committee is raised by resolution, unless the resolution otherwise provide, the presiding officer shall appoint said committee.

SEC. 25. The Council may exercise its charter right to abate or cause to be abated anything which, in the opinion of a majority of the whole Common Council, shall be a nuisance. This shall be done in the mode prescribed by the ordinance relating to the abatement of nuisances by action of the Council. But this declaration of the jurisdiction of the Council shall not be so construed as to abridge or nullify the jurisdiction of the Mayor in enforcing such ordinances as look to the prevention or suppression of nuisances.

SEC. 26. The rules of parliamentary practice, not herein prescribed, which it may become necessary to apply in the government of the Common Council or in the regulation of its business, shall be such as are set forth in Jefferson's Manual of Parliamentary Practice.

MEMBERS OF THE COMMON COUNCIL NOT TO BE INTERESTED IN SALES TO, OR CONTRACTS WITH THE CITY.

AN ORDINANCE

Prohibiting members of the Common Council from being interested in sales to or contracts with the City.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any member of the Common Council of said city, either directly or indirectly, to be interested in any sale to, or contact with the city.

SEC. 2. Any violation of this ordinance by any such member shall be deemed misconduct in his office, and shall, upon impeachment proceedings against him, be deemed good cause for his removal therefrom.

MAYOR.

AN ORDINANCE

Relating to the powers and duties of the Mayor.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the Mayor of said city shall possess such powers, perform such duties and be subject to such obligations as are prescribed in the charter of the said city, and as are now or may hereafter be prescribed by act of the Legislature or any ordinance of the city.

SEC. 2. Before entering upon the duties of his office, and within two weeks from the time of his election or appointment, the Mayor shall give an official bond, with security to be approved by the Common Council, in the penalty of two thousand five hundred dollars, conditioned as prescribed in the ordinance relating to official bonds and take, and subscribe the oaths prescribed in the ordinance relating to oaths of office.

SEC. 3. The Mayor shall preside over all meetings of Council at which he may be present, and at such meetings shall see that all ordinances which affect the transaction of business thereat or which affect the government and regulation of the Council are strictly enforced.

SEC. 4. The Mayor may call special meetings of Council, but the business to be transacted thereat shall be stated in the call, of which each member of the Common Council shall have notice personally, or by copy left at his usual residence or place of business.

SEC. 5. The Mayor shall be the Judge of the Police Court of the city, and, as such, shall be guided by the provisions of the ordinance establishing the mode of practice. He shall be *ex-officio* the Marshal or Chief of Police, and shall collect the fines and costs imposed in the Police Court, which he shall each month pay into the city treasury to the credit of the police fund.

SEC. 6. It shall be the duty of the Mayor to sell the unoccupied lots in Spring Hill Cemetery, for cash, and at the prices fixed by Council, to the parties desiring to purchase the same, and make deeds therefor under the seal of the city. The proceeds of such sales he shall pay each month into the city treasury to the credit of the cemetery fund.

SEC. 7. He shall, at the first regular meeting of Council in each month, make out and report to Council a statement of all moneys received by him officially during the preceding month, showing from what sources derived and by whom paid, which statement shall be accompanied by the treasurer's receipt for such moneys.

SEC. 8. The compensation of the Mayor shall be a yearly salary for all services rendered by him, which shall be fixed by the Council each year and shall not be increased nor diminished during the year. He shall from time to time, give to the Council information

of the state of the city, and recommend to their consideration such measures as he shall judge necessary and expedient.

At the expiration of his official term, he shall promptly deliver to his successor the corporate seal, docketts, books, papers and other property pertaining to his office.

RECORDER.

AN ORDINANCE

Prescribing the powers and duties of the Recorder.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the Recorder shall possess such powers, perform such duties and be subject to such obligations as are prescribed in the charter of said city, and as are now or may hereafter be prescribed by act of the Legislature or ordinance of the city. He shall, before entering upon the duties of his office, and within two weeks from the time of his election or appointment, take and subscribe the oaths of office prescribed in the ordinance relating to official oaths, and give bond in the penalty of two thousand five hundred dollars with security, to be approved by the Council, and conditioned as prescribed in the ordinance relating to official bonds.

SEC. 2. In the absence of the Mayor, the Recorder shall perform all the functions of the Mayor, except that he shall not preside at any meeting of Council. He shall attend the meetings and keep a regular and correct journal of the proceedings of the Council. He shall have the custody of the laws and ordinances of the city; he shall record and index the same in a book to be provided by the Council for that purpose, and cause such as may be ordered by the Council to be published. He shall furnish to any person desiring the same transcripts of all such laws and ordinances and of any act or proceeding of the Council recorded in any book under its direction, and he shall be entitled to charge therefor at the same rate that the clerk of the Circuit Court is entitled to charge for transcripts from the records of that court, which shall be paid by the persons requiring the same; provided, however, that the Recorder shall furnish, without cost to the city, all such transcripts, properly certified, as may be necessary to the prosecution of suits on the part of the city, or may be needed for its defence.

SEC. 3. The Recorder shall carefully keep and preserve all papers and books which may come into his possession, filing and arranging them in a manner convenient for reference. He shall record all abstracts of elections and all certificates of elections granted by inspectors of elections to Councilmen, all bonds that may be issued by the city, all city officers' oaths of office, all deeds

of, or other papers showing title to, any real estate belonging to the city, in books for that purpose. He shall furnish to the officers and various departments of the city copies of all ordinances, resolutions, or orders, having reference to, or concerning them.

At the first meeting of Council after the delivery to the Recorder by the inspectors of election for Mayor, Recorder, Sergeant and Treasurer of the certificates and ballots, he shall present the same to the Council. After the Council has ascertained the result of the election and declared who are elected to said offices, the Recorder shall deliver a certificate thereof under his own and the Mayor's signature to the persons declared elected.

SEC. 4. The Recorder shall draw all orders for money upon the Treasurer in the form and under the provisions set out in the ordinance relating to city orders.

He shall make out and deliver to the inspectors of election all poll-books to be used at municipal elections.

He shall keep the cemetery register as provided in the ordinance relating to Spring Hill Cemetery.

He shall open a ledger wherein he shall charge all city officers with all claims in their hands for collection as well as all debts due from them to the city, crediting them with all moneys paid by them to the city.

He shall in the same book keep the salary accounts of the various city officers.

He shall in the same book keep an account of all street assessments or other dues of other persons to the city, and all payments made by the city to any contractor; crediting them therein with all amounts due said contractors for work done for, or material furnished to said city.

SEC. 5. He shall perform all the duties of a clerk in the Mayor's or Police Court, and all the duties of a clerk in the Council.

He shall be entitled to receive, in addition to the fees mentioned in the second section, a yearly salary in full of his services, which salary shall be each year fixed by the Council and which shall not be increased or diminished during the year.

CITY ASSESSOR.

AN ORDINANCE

Relating to the appointment and duties of City Assessor.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That annually, to-wit: At its second regular meeting in January of each year, the Common Council shall appoint a City Assessor, whose term of office shall be one year. Before entering upon the duties of his office, and within two weeks from the time of his appointment, said Assessor shall take and subscribe the

oaths of office prescribed in the ordinance relating to oaths of office, and give bond in the penalty of five hundred dollars with security to be approved by the Council, and conditioned as prescribed in the ordinance relating to official bonds.

SEC. 2. Said Assessor shall begin annually on the first day of April, and proceed without delay to ascertain all the persons and property, real and personal on that day subject to taxation, within the corporate limits of said city. The said Assessor shall have power to require every person to answer, under oath, such questions as he may ask him in relation to any matter about which he is authorized to inquire. All of the provisions of chapter 29 of the Code of West Virginia, so far as applicable, shall apply to the liabilities and duties of City Assessor, and to the liabilities and duties of persons and property in reference to the assessments of the city taxes.

SEC. 3. After he has prepared the books embodying his assessments as hereinbefore provided, he shall verify them to the Common Council. If found correct, they shall be returned to him together with a copy of the order of levy; whereupon it shall be his duty, without delay, to make the proper extensions of the levy therein, and then deliver the same to the City Council.

SEC. 4. It shall be the duty of the assessor to assess all licenses granted by or under the authority of the Council, according to the provisions of the ordinance relating to city licenses. And the assessor's certificate to the sergeant of the sum of money to be paid by the party wishing to exercise any of the franchises mentioned in said ordinance as being subject to city license, except such as are mentioned in the first section thereof, shall, when said sum has been paid to the sergeant and such payment is receipted for by the sergeant on the face of the certificate, be sufficient warrant and license for such party's exercising the franchise named therein for the time named therein. For all assessments the Assessor shall be entitled to collect a fee of fifty cents from the party obtaining the same. This section, however, shall not authorize the Assessor to assess a license tax upon dogs. He shall once in every month submit to Council a report in writing showing the licenses issued by him in the preceding month, which report shall be recorded in the journal of the Council, and the aggregate amount of the license reported shall be charged by the Recorder to the City Sergeant.

SEC. 5. In addition to the fees mentioned in the preceding section to be paid by private parties the Assessor shall receive a yearly salary of \$200.00 to be paid out of the city treasury, at the end of the quarter after his books, with all extensions therein, are found by the Council to be correct.

CITY SERGEANT.

AN ORDINANCE

Relating to the powers and duties of the City Sergeant.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That before entering upon the duties of his office and within two weeks from the time of his election or appointment, the City Sergeant shall take and subscribe the oaths of office prescribed in the ordinance relating to oaths of office, and give bond in the penalty of twenty five thousand dollars, with security to be approved by the Council, and conditioned as prescribed in the ordinance relating to official bonds.

SEC. 2. The City Sergeant shall possess such powers, perform such duties and be subject to such obligations as are prescribed in the acts of the Legislature amending and re-enacting the charter of said city, and as are now or may hereafter be prescribed by act of the Legislature or any ordinance of the city.

SEC. 3. The Sergeant shall collect the city taxes, levies, wharfage, license and all other claims due the city placed in his hands by the Council for collection, except that he shall not collect the fines and costs imposed by the Mayor.

He may distrain and sell for taxes, and in all respects have the same power to enforce the collection thereof as a sheriff has to enforce the payment of State taxes, after sixty days from the time the Assessor's books are placed in his hands for collection. He shall take nothing but money for taxes he has to collect, nor for any other collection in his hands; except that he shall give proper credit on any tax ticket for any exoneration duly allowed thereon by Council, upon presentation to him of the transcript showing such allowance.

SEC. 4. At the end of every month the City Sergeant shall pay into the hands of the City Treasurer all of the city moneys collected by him during the month, as prescribed in the ordinance requiring the monthly payment of city moneys into the city treasury.

If he fail to collect and pay over one half of the city taxes levied in any year by the first day of March, and the residue thereof by the first day of September next succeeding the date when such taxes were placed in his hands for collection, he shall pay to the city interest at the rate of ten per centum per annum on any deficiency on said payments from the said first day of March, or the said first day of September or both, as the case may be. He shall be charged with all taxes and other city claims placed in his hands for collection, and no deductions shall be allowed him for taxes unless he make a delinquent list within a year from the time he receives the Assessor's books for collection, and return the said list to the Council, with an oath thereto attached, stating that the said list is correct and just; that he has received no part of the

taxes mentioned in said list so returned, and that he has used due diligence to find property liable to distress for said taxes and has found none, and that he could not collect the same.

SEC. 5. When an order is made by the Council for a levy, and when the Council shall have delivered to the Sergeant the city assessment books, with the levy properly extended, the Sergeant shall at once proceed, at his own expense, to make out therefrom proper tax tickets; said tax tickets to be as nearly as possible the same in form and substance as is prescribed in section 17 of chapter 30 of the Code of West Virginia.

He shall, together with the Recorder, compare said tax tickets with the entries and extensions in said books, and, when found to be correct, he shall deliver said books to the Recorder to be by him kept as one of the records of the city.

The Sergeant shall commence his collection of taxes as soon as he shall have made out his tax tickets as aforesaid.

SEC. 6. The Sergeant shall be, *ex-officio*, the wharfmaster of the city, and as such it shall be his duty to collect all wharfages imposed by the ordinances of the city and to report to Council each month the wharfages by him collected. He shall have power, and it is made his duty, while acting as wharfmaster as aforesaid, to cause all boats, water crafts or rafts to moor to and lie at the public landings in such manner as he may deem best calculated to promote the general convenience; he may order any boat or raft to change its situation, saving the rights of licensed particular locations; he may order off and cause to be removed all skiffs, canoes or incumbrances of any description to make room for the convenient landing of any boat or water craft subject to wharfage, to keep the public wharfs and landings free from all or any obstructions, and to report needed repairs to the Council. In exercising the powers and duties of wharfmaster, the Sergeant shall be clothed with all the authority and powers of a policeman of said city.

SEC. 7. If any person or persons having charge of any boat, raft or craft chargeable with wharfage, shall refuse or fail to pay same when demanded by the wharfmaster or Sergeant, such person or persons so offending, upon conviction thereof, shall be fined for every such offence in a sum not less than ten nor more than fifty dollars.

SEC. 8. The City Sergeant shall collect the license on dogs in the manner prescribed in the ordinance relating to the license tax on dogs.

SEC. 9. The compensation of the City Sergeant shall be a commission of six per cent. on all the collections of city moneys made by him, which commission shall be allowed him by the Finance Committee in the semi-annual settlements made with him.

CITY TREASURER.

AN ORDINANCE

Relating to the duties of City Treasurer.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That before entering upon the duties of his office, and within two weeks from the time of his election or appointment, the City Treasurer shall take and subscribe the oaths of office prescribed in the ordinance relating to oaths of office, and give bond in the penalty of twenty-five thousand dollars as is prescribed in the ordinance relating to official bonds.

SEC. 2. It shall be his duty, on receiving city moneys, to place the same to the credit of the appropriate fund, and shall give to the person paying the same proper official receipts in duplicate. He shall submit to the Council a monthly report of his official receipts and disbursements, and on the first day of May and the first day of November of each year he shall report to the Council the status of the Consolidated Sinking Fund and the Interest Fund. He shall make annual settlement with the Finance Committee of the Council, to-wit: on the first day of April of each year. He shall pay all city bonds and coupons properly executed at maturity, and upon presentation thereof at his office, respectively out of the Consolidated Sinking Fund and the Interest Fund.

He shall pay all city orders, drawn and endorsed as prescribed in the ordinance relating to city orders, upon presentation thereof, out of the fund named in the order. He shall, under the direction of the Council, invest any portion or all of the Consolidated Sinking Fund, as provided in sec. 10, chap. 141, Acts 1872-3.

SEC. 3. He shall annually, to-wit, on the 1st day of May, pass from the credit of the Interest Fund to the credit of the Consolidated Sinking Fund the annual interest accrued upon such city bonds as may be held by him, as custodian of said Consolidated Sinking Fund, as investments thereof, as contemplated in the preceding section.

SEC. 4. Upon the payment by the treasurer of any city bond, coupon, or city order, he shall at once cancel the same in such manner as to show that it was paid by him, and the same shall be sufficient vouchers for such payment upon his annual settlement.

SEC. 5. He shall keep account of all receipts and disbursements of city moneys passing through his hands in convenient books in which shall be opened and kept in a proper manner, general and separate accounts of the various city funds.

He shall receive such compensation for his services as shall be prescribed by ordinance or resolution of Council.

At the close of his term of office, he shall promptly deliver to his successor all books, vouchers, papers, moneys and other property belonging to the city pertaining to his office, except such

vouchers as may be necessary to a settlement with the Finance Committee to whom, upon such settlement, such vouchers shall be surrendered.

SEPARATE FUNDS OF CITY MONEYS.

AN ORDINANCE

Requiring city moneys to be kept in separate Funds.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston*, That all the city moneys in the hands of the City Treasurer shall be kept and reported by him in the following separate funds :

Consolidated Sinking Fund.

Interest Fund.

Street Fund.

Fire Fund.

Police Fund.

Salary Fund.

Cemetery Fund.

City Building Fund.

General Sewer Fund.

Contingent Fund.

Gas Fund.

SEC. 2. The balances to the credit of these several Funds at the time of the adoption of this ordinance shall continue to remain therein until drawn therefrom by order of Council.

SEC. 3. Whenever an order for a levy is made by the Council, the Finance Committee shall ascertain the several percentages of the general collections which ought to be distributed to the several foregoing funds so as to give each fund its full complement, as contemplated in the schedule of appropriations made in said order of levy. These percentages shall be certified by said committee to the Treasurer, whose duty it shall be to distribute the general collections paid to him into the said several funds according to said percentages.

SEC. 4. But moneys arising from the sales of cemetery lots shall be paid into the Cemetery Fund; fines and costs imposed by the Mayor shall be paid into the Police Fund; proceeds of city scales shall be paid into the Street Fund, and all licenses imposed upon subjects existing outside of the corporate limits and within one mile thereof, shall be paid into the Consolidated Sinking Fund. (See *Kauffle v. Delaney, Mayor*, 25 W. Va. 410.)

MONTHLY PAYMENTS TO TREASURER.

AN ORDINANCE

Requiring the monthly payments of city moneys into the City Treasury.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be the duty of each and every officer of the city, into whose hands city moneys pass, to pay the whole amount of the same at the end of each month into the hands of the City Treasurer to the credit of the proper fund, taking his receipt therefor in duplicate.

SEC. 2. The violation of this ordinance by any city officer shall be deemed misconduct in his office, and upon impeachment proceedings against him, shall be deemed good cause for his removal therefrom.

STREET COMMISSIONER.

AN ORDINANCE

Relating to the appointment and duties of Street Commissioner.

SEC. 1. *Be it Ordained by the Common Council of the City of Charleston,* That annually to wit, as soon as practicable after the appointment by the Mayor, each year, of the standing Street Committee of the Council, said committee shall nominate some proper person to the Council for the office of Street Commissioner. Whereupon the Council shall by a called vote, entered of record, confirm or reject the person so nominated. Said committee shall continue making such nominations until a Street Commissioner is confirmed.

SEC. 2. Said Street Commissioner, before entering upon the duties of his office, shall take the oaths of office set forth in the ordinance relating to oaths of office, and within two weeks from his appointment give bond in the penalty of two hundred dollars, conditioned as prescribed in the ordinance relating to official bonds. And if he fail or refuse to give bond as aforesaid, the Council shall declare his office vacant.

SEC. 3. He shall superintend the grading of all streets, alleys and public places, and the graveling, paving, improving and cleaning of the same. He shall cause the tunnels and gutters along the several streets to be kept open, clean, and free from all obstructions. He shall see that all man-holes, lantern-holes, catch basins and gratings connected with any system of drainage in the city are kept in good order and clean. He shall keep the wharves, public squares, streets, alleys, and sidewalks free from all obstructions impeding a free passage along the same.

SEC. 4. He shall direct and take in charge the abatement and removal of all nuisances, and execute all orders relating thereto, given by the Mayor or any member of the Board of Health.

SEC. 5. He shall take charge of all laborers and teams that may be employed (except under contract, upon the streets, alleys, and public places of the city; and in his supervision of public work shall be subject to the directions of the City Council or its committees.

SEC. 6. He shall assign to any person erecting a new building or repairing an old one, on application, such a reasonable space in the street, outside the curbstone, opposite the location thereof, to deposit building materials and implements to be used in or about the building, which space so assigned shall not exceed forty feet including the sidewalk, but the materials shall not be so deposited as to prevent citizens from passing along the sidewalks, nor in such a manner as to cover the gutter, or prevent water from flowing freely in the same, nor prevent passing along the street, and give a permit accordingly. This permit shall not extend for more than four months without renewal.

SEC. 6. He shall take custody of all prisoners turned over to him on order of the Mayor directing him to cause such prisoners to work out any fines or costs imposed upon them in the Police Court. Such prisoners he shall not permit to escape, and he shall diligently require them to work out such fines and costs at any work he may be required by ordinance or resolution of Council to have done. He shall take no security for any such fines or costs, or any part thereof, and if he do so he shall be himself liable to the city therefor. If any prisoner turned over to him as aforesaid make any payment to him on his fine or costs he shall pay the same over to the City Treasurer, before the first meeting of Council in the next month, to the credit of the Police Fund, taking his receipt therefor. On every Monday he shall report to the Mayor, under oath, the work done, or the cash paid by every prisoner in his custody, which report shall be by the Mayor laid before the Council at its next succeeding meeting. Upon every order from the Mayor turning over to said commissioner any prisoner or prisoners, said commissioner shall credit the work done, or the cash paid to him by such prisoner, which order with the credits thereon shall be turned over to the Mayor upon the release or discharge of said prisoner. He shall credit said prisoner for each day's work with \$1.25; or, if said prisoner has been kept in the city prison during the time he has him in his custody and boarded, he shall credit him with 75 cents for each day said prisoner works and is boarded at the expense of the city, and he is to retain and work said prisoner until, at these rates, his fine and costs are fully discharged.

SEC. 7. He shall perform the duties imposed upon him in the ordinance establishing a City Board of Health.

SEC. 8. He shall, at the first regular meeting of Council in each month, submit, in writing, and in an intelligible form, an accurate report of his work during the preceding month, showing the time that self and hands, whether hired or fined, have worked, and the amounts earned by each. In this report he shall, by items, set forth the names of prisoners paying him money on their fines or costs during the previous month, and dates and amounts of payment. The receipts of the treasurer for each amount so paid shall accompany the monthly report of the Street Commissioner.

SEC. 9. He shall take care of all tools and other city property used by him, and shall turn over and account for the same upon the expiration of his term of office.

SEC. 10. Said Street Commissioner shall at once report to the Mayor any dangerous crossings, broken bridges, obstructed drains or gutters, or other matters requiring prompt and immediate remedy.

SEC. 11. He shall receive for his services such compensation as the Council may determine.

CITY SOLICITOR.

AN ORDINANCE

Relating to the appointment and duties of City Solicitor.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston*, That the Council shall in March, 1888, elect a City Solicitor whose term of office shall be one year, and every second year thereafter, commencing March, 1889, elect a City Solicitor whose term of office shall continue for the term of two years.

SEC. 2. It shall be the duty of the City Solicitor to advise the Council, its committees, and the city officers, upon such legal questions as may be referred to him affecting the interests of the city; to attend to all suits in which the city may be interested as a party; to attend and prosecute all trials in the Mayor's Court for violations of city ordinances, whenever required by the Mayor; and to perform such other professional services as may be required of him by resolutions or ordinances of the Council, touching the interests of the city.

SEC. 3. He shall be entitled to receive for every case tried and sustained in the Mayor's Court, a fee of one dollar, to be taxed in the costs of the case; and for his other services, such compensation as may be prescribed by resolution or ordinance of Council.

SEC. 4. He shall make to Council, whenever by it required, a written report of any matter in his hands or referred to him.

SEC. 5. Any City Solicitor shall retain, prosecute and account

to the Council for all city collection suits brought by him, even after the termination of his term of office.

CITY ENGINEER.

AN ORDINANCE

Providing for the appointment of a City Engineer, and prescribing his duties.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the Council shall, whenever they deem it expedient so to do, appoint a City Engineer, who shall, before entering upon the duties of his office, take the oaths of office prescribed in the ordinance relating to oaths of office.

SEC. 2. It shall be the duty of the City Engineer to make all surveys or levels, together with the maps or drawings of the same, that may be ordered by the Council; he shall make out an estimate of the cost of all public works or improvements to be done by the city, when directed so to do; he shall fix, by suitable boundaries or marks, the lines and grades of streets, alleys and public places; he shall, when called upon, give to any owner of property within the city, the true street boundary and grade of his property, for which latter service said owner shall pay to said City Engineer a fee of two dollars; he shall assist the committees of the Council and the Street Commissioner, whenever in the discharge of their duties his particular services may be required by the Council; he shall superintend the opening, extending, grading, graveling, paving or otherwise improving of any of the streets, alleys or public places, when ordered by the Council, so far as may be necessary to insure their completion in accordance with the plans or designs of the Council, or with the ordinances of the city.

SEC. 3. Said Engineer shall keep in suitable books, to be furnished for the purpose by the city, a record of all surveys, levels, maps, plans, profiles, drawings, estimates and calculations made in compliance with the orders of the Council or ordinances of the city; which books shall be part of the records of the city and shall be kept in the custody of the City Recorder. He shall, when any street grade, or alteration thereof, is adopted by Council, prepare a suitable statement of such grade or alteration thereof, for record as part of the ordinance establishing said grade or alteration thereof. He shall make and deliver to Council for record, as part of the ordinance adopting any line of subterraneous sewer or drain, a plan of the same, showing all laterals, connections, sizes and character of pipes, sewers, &c.

SEC. 4. For all services rendered by said engineer to the city

he shall be allowed fifty cents per hour for every hour actually employed by him in the service of the city.

TIMES OF SETTLEMENT WITH CITY OFFICERS.

AN ORDINANCE

Relating to times of settlement with City Officers.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That all city officers through whose hands city moneys pass shall make with the Finance Committee of the Council settlements as follows :

City Sergeant, on April 1st and September 1st of each year.

City Treasurer, on April 1st of each year.

City Solicitor, on January 1st of each year.

Mayor and Recorder, on March 15th of each year.

Street Commissioner and Weighmaster, on January 1st and July 1st of each year.

The foregoing settlement, shall not preclude the *final settlements* which shall be made with each and every one of the said officers upon the expiration of his term of office; nor is it hereby meant to nullify the requirement to pay over to the City Treasurer, each month, the city moneys in the hands of any of said officers, as provided in the ordinance requiring the monthly payment of city moneys into the City Treasury.

STANDING COMMITTEES.

AN ORDINANCE

Providing for the appointment of Standing Committees of the Common Council and defining their duties.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That at the first regular meeting of the Council after the second Monday in March of each year, the Mayor shall appoint the following standing committees of the Council, consisting of three members each, to-wit :

Committee on Finance.

Committee on Claims.

Committee on Streets.

Committee on Drainage.

Committee on Health.

Committee on Fire Department.

Committee on Ordinances.

Committee on City Buildings.

Committee on Water Works.

Committee on Cemetery.

SEC. 2. None of said committees, nor any member of any of said committees, is to be construed as the agent of the city, except when acting strictly within the scope of authority granted to them herein, or by other ordinance, order or resolution of Council, and said Council hereby declares that any exceeding by any of said committees of such authority granted herein or therein, shall be deemed *ultra vires*.

SEC. 3. It shall be the duty of the Committee on Finance to examine and report upon all matters of a financial character referred to them; to keep themselves acquainted with the financial condition of the city, its various sources of revenue, its debt and its various funds, to make settlements with all of its officers receiving or disbursing its moneys, to make up annually an estimate of the amounts necessary to be levied and to report such estimate of levy to the Council. It shall also be the duty of said committee to examine the Assessor's books and report upon the correctness thereof; also to negotiate all loans whether original or for funding purposes, which may be authorized by ordinance, as well as to prepare and return to Council for record a statement in detail of all bonds issued by them.

SEC. 4. The Committee on Claims shall investigate and report to Council upon all claims against the city referred to them. In the investigation of all matters referred to said committee, the members thereof shall make diligent and conscientious enquiry into all the facts connected therewith. No report shall be received from said committee unless at least two members thereof state to Council that they have actually investigated the matters referred to them.

SEC. 5. The Street Committee shall consist of three members, or one Councilman for each ward, which committee shall have the general supervision of the streets and sidewalks of the city. It shall be their duty to see that all streets, public lanes and alleys are kept in proper order, and that the sidewalks, crossings and gutters are kept in good order, clear and clean. They shall report to Council the necessary amount to do this each year, and they shall recommend to the Council such work as they deem proper to have done. All minor repairs requiring the immediate attention of the Street Commissioner, may be directed to be done before obtaining an order of the Council. Before undertaking any permanent improvement or repairs requiring an appropriation of forty dollars or more to complete the same, said improvement or repairs shall be reported to the Council, and therewith a recommendation whether the same should be done, and whether the work should be let to contract, or done by the city hands under the Street Commissioner; and said improvement or repairs shall be made by the Street Committee only upon the express order of the Council. Said committee shall appoint the Street Commissioner

of the city, subject to ratification by the Council. Said commissioner shall be subject to the orders of said committee, when the same do not conflict with any ordinance or order of the Council.

SEC. 6. The Committee on Drainage shall take personal care and supervision of all the drains throughout the city, natural and artificial, including all sewers and the catch-basins, man-holes, lantern-holes, traps and gratings therewith connected, and see that the same are kept in good working order, well preserved and protected and free from obstructions. Said committee shall be charged with the duty of considering, concerting and recommending to the Council all needed extensions, improvements and repairs of all drains and sewers in the city. And they shall furnish to Council, annually, a well-matured plan and estimate of all such extensions, improvements and repairs necessary to be made each year. Said committee shall be limited in its expenditures in the same way and to the same extent as the Street Committee is limited by this ordinance. The Committee on Drainage shall have the same relations to the drains and sewers as the Street Committee has to the streets of the city.

SEC. 7. The Committee on Health shall investigate and report to Council all matters referred to them by order of Council, affecting the public health of the city. It shall be their duty to concert and propose to Council such measures as may promote the health of the city; also to investigate and report to Council all causes and sources of disease which may exist in the city from time to time; also to execute the orders of Council with reference to the preservation of the public health; also, in times of the prevalence of contagious or infectious diseases, to constitute the executive committee of the Council for carrying out the measures adopted by Council for arresting and repressing such diseases. Said committee, in conjunction with the Committee on Water Works, shall keep themselves and the Council informed as to the quality of water supplied to the several sections of the city by the Charleston Water Works Company.

SEC. 8. The Committee on Fire Department shall have such powers as are conferred upon it by the ordinance creating the office of Fire Marshal. It shall also be its duty to give personal attention to the working, the improvement, and the expenditures of said department. It shall be specially charged with the duty of seeing that all ordinances and orders of the Council, adopted with a view to prevent fires, are complied with; and they shall from time to time, bring to the attention of Council all or any matters bearing upon the question of lessening or controlling conflagrations in the city. Said committee shall examine and report to Council the condition of all engines, hose, hose-reels, fire hydrants, cisterns or other apparatus or means designed for the ex-

tinguishment of fires; and shall examine and report to Council all matters relating to the building, extension or removal of houses or other structures, the building, extension or removal of which may be thought to increase the danger of fire.

SEC. 9. The Committee on Ordinances shall observe the working of all the ordinances of the city, noting such as seem to be defective or inexpedient. Said committee shall recommend any changes in, repeal of, or addition to the ordinances of the city as may seem proper. Whenever any proposed ordinance is referred to them by Council, they shall see that said ordinance is drawn in proper terms, so as to bear upon its face the intention of the Council, and in proper form, so as to insure its validity as an ordinance. They shall also make due examination as to whether the object of the proposed ordinance be not already covered by an existing ordinance. In addition, they shall consider the expediency of the proposed ordinance; to the end that the records of the city be not encumbered with hasty and ill-considered legislation.

SEC. 10. The Committee on City Buildings shall keep themselves informed as to the condition of the City Hall and any other buildings the city may hereafter erect as station houses for the hose-reels of the Fire Department. They shall see that the same are kept in good order; and shall call the attention of Council to all needed repairs and insurance upon the same. Said committee shall see that no part of any of said buildings be used for any purpose not permitted by order of Council. Said committee shall consider and report upon all matters referred to them affecting said buildings.

SEC. 11. The Committee on Water Works shall report to Council all information necessary for it to have in regard to the practical workings of the water works operated by the Charleston Water Works Company, especially the extent to which the same are being operated in compliance with the conditions of their franchise. Said committee shall examine and report upon all matters referred to them touching said or other water works. Said committee shall consist of a Councilman from each ward.

SEC. 12. The Committee on Cemetery shall see that the Spring Hill Cemetery belonging to the city is kept in proper order. They shall keep themselves and the Council informed as to the condition and management of said cemetery; and they shall report to Council such suggestions as they may deem fit, looking to the care and improvement thereof. They shall see that all ordinances touching said cemetery are complied with.

POLICE.

AN ORDINANCE

Relating to the appointment, duties and powers of Policemen.

SEC. 1. *Be it ordained by the Common Council of the City of Charles-*

ton, That the Mayor shall, by virtue of his office, be Chief of Police. He shall have the power to appoint the regular policemen herein provided for, subject to the approval of the Council. He may also appoint such special policemen as he may deem necessary. He shall have the power to revoke, at any time, any appointment by him made of any policeman, whether regular or special. Nor shall the Mayor have the right to make any such appointment as would, expressly or by implication, amount to a contract binding the city to employ any policeman for any particular length of time.

SEC. 2. The Regular Police Force of the city shall consist of not less than two nor more than four members.

SEC. 3. The Police Force of the city, as well as special policemen, shall be subject to the instructions and orders of the Mayor, and shall obey his directions in all matters relating to the peace and good order of the city and of the outside territory subject to the police jurisdiction of the Council.

The policemen shall wear a proper badge of office; and the regulars shall wear a dark blue uniform.

No policeman shall, while on duty, sit down on the streets, or enter any house, store or other building, except in the exercise of his duty, or called thereto by some person requiring his services as a police officer. Nor shall any policeman, while on duty, stop on the street to talk, or engage in any conversation, except it becomes necessary in the discharge of his duty, or to give information to those desiring it, and this he shall do at all times in a polite manner, and render any assistance to those requiring it not inconsistent with his duties.

SEC. 4. All special policemen appointed for any particular occasion shall be under the control of the regular policeman of the beat in which they are assigned for duty.

SEC. 5. No policeman shall leave his appointed beat while on duty, except to take a prisoner to prison, or when ordered so to do by proper officers, or when another policeman within his hearing signals for assistance; in either case he shall act promptly.

SEC. 6. No policeman shall abuse or harshly treat any person whom he may have in charge, unless necessary to do so in self-defence or to prevent escape. Nor shall any policeman use abusive language to any prisoner.

SEC. 7. Any policeman found drunk while on duty shall be immediately discharged by the Mayor, or if found drunk more than twice off duty within six months, while in the employ of the city, may be discharged by the Mayor.

SEC. 8. It shall be unlawful for any police officer of the city to demand, extort, take or receive any money or other valuable thing from any person under arrest, or about to be arrested, as security for the appearance of said person, or as security for or

compromise of any fine or costs that may have been, or may thereafter be imposed upon said person for any violation of any ordinance of said city. Any police officer offending against the provisions of this section shall, upon conviction thereof before the Mayor, be fined one hundred dollars with costs, and shall be forever incapable of holding any city office.

SEC. 9. No police officer shall allow any crowd of persons to gather on the streets, about any corner, or elsewhere, so as to obstruct the free passage of pedestrians or teams. Nor shall he allow any nuisance to be committed upon, or to remain in any streets or alleys of said city.

SEC. 10. It shall be the duty of the regular policemen to make themselves acquainted with all ordinances looking to the peace, good order and cleanliness of the city, and to report all violations thereof promptly to the Mayor.

SEC. 11. Any person other than a policeman, who shall assume the character, wear the badge, or undertake to exercise the authority of a policeman within said city, or within the outside territory subject to the police jurisdiction of the Council, unless it be in good faith for the purpose of stopping a breach of the peace, or preventing the commission of a felony, or capturing a felon, shall be fined not less than five, nor more than fifty dollars, with costs.

SEC. 12. No member of the police force shall receive any gratuity, either directly or indirectly, from any person whatever: Provided, however, that it shall be lawful for any policeman to receive any reward which may be advertised, or be offered by State of West Virginia, county of Kanawha or municipal authorities of said city for the apprehension of criminals.

SEC. 13. Every policeman, before entering upon the duties of his office, shall take and subscribe the oaths prescribed in the ordinance relating to oaths of office.

SEC. 14. It shall be the duty of all policemen, wherever and whenever they know by sight, or by reliable information from others, of any ordinance of the city being, or about to be violated, immediately to exercise all their authority and power to prevent such violation, or if accomplished, to arrest the parties engaged therein. Also, when on duty, they shall preserve the peace of the city, secure the inhabitants thereof from disturbance and personal violence, and their property from fire or unlawful depredation. The police of the city are individually and collectively empowered with authority immediately to arrest upon sight, and without warrant, any person or persons found violating any ordinance of the city, and bring him or them before the Mayor for examination. In case of arrest upon view by any police officer, he shall reduce or cause to be reduced to writing the charge against the offender. Said writing shall state that said arrest was made upon view, and shall be signed and sworn to by the officer making the arrest.

SEC. 15. In all cases of arrest where the party arrested is conveyed to prison, he shall be searched, and all money or other valuables, all weapons and tools shall be taken from him in the presence of the keeper of the city prison and delivered to the keeper of the city prison. The officer conveying the party to prison shall take and keep a memorandum of all articles so taken, which memorandum shall be signed by said keeper, and shall deliver the same to the Mayor. And upon the release of the prisoner the Mayor shall require the said keeper to return all of said articles to said prisoner, except such as may have been levied upon under any execution for fines and costs against said prisoner.

SEC. 16. At nine o'clock A. M., on every day except Sundays, all regulars, and all other police officers who have made any arrests, or who have complaints to file, shall report to the Mayor at his office.

SEC. 17. Private watchmen, selected and paid by citizens for their own premises or property, shall, after taking and subscribing the policemen's oaths of office be empowered with like authority as the other police, and shall be under the control and direction of the Mayor, except that they may not be removed by him from the prescribed beat for which they were employed, and may, by consent of the Mayor, assume and wear the prescribed uniform of the city police.

SEC. 18. The place of confinement of all prisoners arrested by the police, shall be the city prison, and they shall be brought to trial as soon as practicable.

SEC. 19. Every police officer shall give immediate alarm in case of fire, by crying "Fire!" repeatedly, and by ringing any of the bells to which he may have access, particularly that of the Court House; and during the progress of such fire, or any other public excitement, he shall be especially watchful for thieves and incendiaries.

SEC. 20. Every member of the Common Council shall be a special police officer, without pay, with power to do all that the regular police may do, for the preservation of the peace, quiet and good order of the city.

SEC. 21. Whenever any policeman hears a signal of another policeman, he shall immediately respond to such signal in accordance with the secret signal code adopted by the Mayor, and such code of signals shall not be revealed or betrayed by members of the force.

PRACTICE.

AN ORDINANCE

Establishing the mode of practice in the Mayor's Court.

SEC. 1. *Be it ordained by the Common Council of the City of*

Charleston, That the Mayor shall have jurisdiction to hear and determine all cases arising out of the violation of the ordinances of the city, except in cases of abatement of nuisances by action of Council and of impeachment, which shall be exclusively within the jurisdiction of the Common Council.

He shall also have, by virtue of his office within said city jurisdiction of all proceedings on behalf of the State cognizable by a justice of the peace.

SEC. 2. He shall keep a Police Docket, wherein he shall docket all proceedings had by him, either as Mayor, or as *ex-officio*, a justice of the peace.

He shall number his cases progressively on his docket, and number the papers of each case to correspond. He shall enter in his docket the title of every case by him entertained, setting forth the name of the defendant, the charge against him, the name of the officer arresting him, and the disposition made by said Mayor of the case, the disposition made by him of the defendant, whether discharged, turned over to the Street Commissioner or imprisoned, and if the latter, the term of imprisonment; whether admitted to bail or committed to answer an indictment.

In each case continuances, if any be granted, shall be noted; also the amount of all fines imposed; all costs thereto attaching, and to whom payable. All complaints under oath, all warrants, subpoenas, and other papers belonging to any case shall be carefully preserved. The said docket shall be indexed in names of the defendants.

SEC. 3. All prosecutions, actions and proceedings for the violation of the ordinances of the city, or any of them, or any section thereof, shall be entitled: "The City of Charleston against ——." [The person or persons violating the same.] All proceedings had by the Mayor, acting as a justice of the peace for said city, shall be entitled: "The State of West Virginia against —— ———." [Giving name of defendant or defendants.]

SEC. 4. In all proceedings on behalf of the State, the Mayor shall be guided by the laws of the State of West Virginia; and all of the succeeding sections shall be understood to apply only to cases arising out of the violation of some provision of some ordinance of the city of Charleston.

SEC. 5. In all prosecutions in cases of arrest upon view of any person in the act of committing an offence, after the offender shall have been brought before the Mayor, the officer making the arrest shall forthwith reduce or have reduced to writing the charge alleged against such person, and also state that such arrest was made upon view; which writing shall be signed and sworn to by such officer; and which may be in ordinary and concise language, and shall not be deemed defective for want of form, if it shows substantially an offence against the laws or ordinances of the city.

SEC. 6. In all prosecutions, in cases in which a person charged with a breach of any of the ordinances of the city has not been arrested in the act of committing the offence, and when the charter of the city authorizes it, the first writ may be a warrant for the arrest of the person charged, but which shall not issue except upon probable case, nor until complaint in writing supported by affidavit describing particularly the person to be arrested, shall have been duly made; and in the same warrant the Mayor may require the officer to whom it is directed to summon such witnesses as are therein named to appear and give evidence on the examination of such party.

SEC. 7. All warrants, subpoenas, executions or other process issued by the Mayor, shall run in the name of the State of West Virginia, and shall be directed to a policeman of the city, whose duty it shall be to execute and make proper return upon the same.

SEC. 8. Prosecutions, actions and proceedings may be continued for good cause, and offenders defendant in arrest may be held to bail for their appearance, and in default thereof, may be committed. The bail shall not be excessive. Witnesses may be recognized. All bail bonds and recognizances shall be made payable to "The City of Charleston."

SEC. 9. The Mayor is authorized to examine witnesses separate and apart from each other. He may also exclude all minors from his court who may be present as mere auditors.

SEC. 10. Trials shall be conducted agreeably to law and established usage. New trials may be granted.

SEC. 11. The Mayor may issue attachments for contempts, and punish them summarily, only in the cases following:

First. Misbehavior in the presence of his court, or so near thereto as to obstruct or interrupt the administration of justice.

Second. Violence or threats of violence to said Mayor, or any officer, witness or party going to, attending, or returning from said court, for or in respect of any act or proceeding had, or to be had, in such court.

Third. Misbehaviour of any officer in his official capacity, in respect to any action or judicial proceeding had or pending before said Mayor, or any process, judgment, order or notice therein.

Fourth. Disobedience or resistance by an officer, witness, party or other person to any lawful process, judgment, order or notice of said Mayor.

SEC. 12. An order of arrest may be issued by the Mayor, on which the person charged with the contempt may be taken and brought before him, or such person may be taken in custody by any officer or person present upon the oral order of the Mayor and held to answer for the contempt.

An opportunity must be given him to be heard in defence or explanation of his conduct, and the Mayor may thereupon discharge

him, or adjudge him guilty of the contempt, and punish him therefor by fine or imprisonment, or both. The fine shall not exceed fifty dollars, or the imprisonment five days. The Mayor shall not impose a fine for contempt unless the defendant be present in court, or shall have been served with a rule of the court to show cause, on some certain day, and shall have failed to appear and show cause.

SEC. 13. The conviction for contempt, specifying the particular circumstances of the offence and judgment thereon, must be entered by the Mayor in his docket. A warrant of commitment for the term of imprisonment adjudged may be issued by the Mayor, commanding an officer to take the offender to the city prison, and the keeper thereof to imprison him therein for the said term. The judgment may include, in addition to the fines, all costs in the case, including costs of arresting and keeping in prison the offender.

SEC. 14. The city shall be entitled to, and the Mayor shall tax, in every case of conviction or confession the following costs :

For warrant, fifty cents.

For trial, one dollar.

For prison fee, one dollar and fifty cents.

For arrest, one dollar.

For each day's attendance of each witness summoned for the city, when the same is claimed, fifty cents.

For each day's board of prisoner until judgment, fifty cents.

And in all cases where the charge is sustained, the City Solicitor's fee of one dollar.

Where the arrest is made by a special policeman, who is not otherwise paid by the city or other party, if the fee for the same be collected of the prisoner in money or work, it shall accrue to the special policeman. In all cases in which the case is sustained the City Solicitor's fee shall be taxed and shall accrue to him. All other costs shall accrue to the city. Neither the Mayor, Recorder nor any regular policeman shall be entitled to receive any fee for any services rendered in or about any trial or other proceeding touching a violation of the ordinances of the city.

SEC. 15. In cases where there is no conviction, the Mayor may, if he judge it proper, give judgment against the person who swears out the complaint for all costs incurred in the case.

SEC. 16. The Mayor shall, as *ex-officio*, Marshal or Chief of Police, be chargeable with all fines and costs imposed by him. He shall require the immediate payment thereof, and in default, shall commit the defendant to the city prison for a term not to exceed thirty days, or until discharged by due course of law. He may collect said fines and costs by execution, to be directed to any policeman. The Mayor shall have no power to remit any fine or cost by him imposed except in cases of contempt. He may for good cause, which shall be noted in his docket, suspend any judg-

ment rendered by him. Where a party is imprisoned or otherwise held in custody under judgment of the Mayor, it shall be upon a *mittimus* in due form. The Mayor shall be credited with the fines and costs in cases where judgment is suspended as aforesaid, in cases where the defendant is committed in default and in cases where the execution is returned "no property found."

SEC. 17. All expenses incurred by the city in or about any trial or other proceeding in the Mayor's Court, shall be paid by the Council out of the Police Fund.

IMPRISONMENT OF OFFENDERS.

AN ORDINANCE

Relating to the imprisonment of offenders.

SEC. 1. *Be it ordained by Common Council of the City of Charleston,* That when any fine is imposed for the violation of any ordinance of said city, the offender upon whom the same has been imposed shall in default of immediate payment of the fine and costs of prosecution be committed to the city prison by the Mayor until the fine and costs of prosecution shall be paid, or until otherwise discharged by due course of law, the term of imprisonment, in such cases, not to exceed thirty days.

SEC. 2. The offender committed to prison, as aforesaid, may be kept at hard labor, under the supervision of the street commissioner, and secured by ball and chain, if necessary, until at the rate of seventy-five cents for each day labor including board, or \$1.25 without board, said offender shall have earned an amount equal to the fine imposed upon him, together with the costs of prosecution.

SEC. 3. In addition to the fines and costs authorized to be imposed upon offenders for the violation of any ordinance of the city, the Mayor is hereby authorized to impose upon such offenders the further penalty of imprisonment in the city prison for a term not exceeding thirty days.

SEC. 4. Any prisoner in the hands of the Street Commissioner who proves refractory by refusing to work, or any prisoner who breaks or destroys any city property in or pertaining to the city prison, or who breaks or attempts to break out of said prison, or who so misbehaves in prison as to be annoying to the keeper or to other prisoners, shall be liable to be put on bread and water, under the order of the Mayor, and in cases in the opinion of the Mayor justifying it, to a further term of imprisonment not to exceed ten days.

SEC. 5. Any person delivering or giving to any prisoner lawfully confined in the city prison any intoxicating drink or other article of any kind without permission of the Mayor or Recorder, shall

be fined not less than five dollars nor more than twenty-five dollars, with costs. When a person is lawfully detained as a prisoner in the city prison, if any person shall convey any thing into said prison, with intent to facilitate the prisoner's escape therefrom, or shall in any way, aid such prisoner to escape, or in the attempt to escape, from such prison, or shall forcibly rescue, or attempt to rescue him therefrom, such person, if the escape or rescue be effected, shall be fined not less than fifty dollars, nor more than one hundred dollars, with costs; and if the same be not effected, be fined not less than ten dollars, nor more than fifty dollars, with costs and in either case the Mayor may, at his discretion impose a term of imprisonment, not exceeding thirty days.

SEC. 6. If the keeper of the city prison or other officer voluntarily suffer a prisoner lawfully confined therein to escape, he shall be fined not less than fifty dollars nor more than one hundred dollars, with costs; and if such escape result from negligence of said keeper or other officer, he shall be fined not less than ten dollars, nor more than fifty dollars, with costs; and in either case the Mayor may, at his discretion, impose a term of imprisonment not exceeding thirty days.

SEC. 7. The keeper of the city prison shall obey the instructions of the Mayor in all matters relating to the conduct thereof. Said keeper shall be an officer chosen by the Common Council. He shall, before assuming his duties, take the oaths of office required of other city officers by ordinance; and he shall hold his office during the pleasure of the Council, who shall likewise determine his compensation. Said keeper shall give bond in the penalty of two hundred and fifty dollars, with security to be approved by the Council and conditioned as prescribed in the ordinance relating to official bonds. The Mayor may suspend said keeper from his office for cause, which cause shall be reported to the next meeting of Council. In case of such suspension, or in case of a vacancy otherwise occurring in said office, until said vacancy be filled by the Council, the Mayor may appoint a keeper of the city prison who shall, during continuance therein, have all the powers and duties of such keeper when regularly appointed by the Council.

SEC. 8. The prison provided by the Council on the first floor of the City Hall in said city, shall be the city prison for the confinement of all city prisoners.

RESISTING OFFICERS OR RESCUING OFFENDERS.

AN ORDINANCE

In relation to resisting police or other officers of the city and rescuing offenders.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That any person who by threats, menaces, acts, or other-

wise, shall forcibly or illegally resist, hinder, obstruct, or oppose, or attempt to obstruct or oppose, or shall counsel or advise others to resist, hinder, obstruct or oppose any police or other officer of the city in the lawful exercise or discharge of his official duty, shall be fined not less than ten, nor more than one hundred dollars, with costs, and may be, at the discretion of the Mayor, committed to the city prison for a term not exceeding thirty days.

SEC. 2. If any person shall rescue by force, from any officer of said city, any prisoner charged with, or convicted of any offence against any ordinance of said city, or any law of the State of West Virginia, such person shall be fined not less than fifty dollars nor more than one hundred dollars, with costs, and may, at the discretion of the Mayor, be imprisoned for a term not exceeding thirty days.

IMPEACHMENT AND REMOVAL OF CITY OFFICERS.

AN ORDINANCE

In relation to the impeachment and removal of city officers and members of the Common Council.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the Council shall have power to remove any of its officers or members for good cause shown, and the order of removal shall show the cause, and the same shall be entered of record on the journal of the Council. Misconduct in office, habitual or wilful neglect of duty, manifest incompetence, the commission of any offence punishable by imprisonment or involving a violation of his official oath, habitual intemperance or grossly immoral conduct shall be deemed good cause of removal of any city officers or members of the City Council.

SEC. 2. When charges are presented to the Council against any city officer or member of the Council, for which they may be removed from office, such charges shall have attached thereto the affidavit of the party preferring such charges, that he believes said charges are true.

SEC. 3. The Council shall issue against the party so charged a summons requiring him to appear before the Common Council of the City of Charleston and answer the same upon a day specified in said summons, and a copy of said charges shall be served with the summons. An appearance of the party charged will waive the service of summons.

SEC. 4. When such party shall have been so charged, if he be a member of the Council, he shall not thereafter sit as part of the Common Council at the trial or take part in the trial, and in case of the trial of the Mayor or Recorder, the Council shall appoint one of its members to act in the place of the party charged, in said trial.

SEC. 5. When the party charged shall appear, he may do so by counsel, and may demur, or answer, or both.

SEC. 6. Upon the day set for the trial, the Council shall sit as a Court of impeachment and hear the case, unless continued for good cause shown, but they may adjourn from day to day, Sundays excepted, until the trial be completed.

SEC. 7. All writs, orders, summonses, &c., issued by the Council shall be signed by the presiding officer, and the Recorder, or the person appointed in the place of the Recorder, and the Council may compel the attendance of witnesses and enforce order and its judgments, and may punish in a summary way any violations of its orders.

SEC. 8. All motions shall be recorded, and the vote taken thereon shall be by the ayes and noes.

Upon request of any member, such motions shall be reduced to writing before the vote is taken thereon.

SEC. 9. The proceedings shall be open to the public, unless the Council shall otherwise direct.

SEC. 10. The attendance of members of the Common Council at any impeachment trial pending before that body, may be compelled by sending a policeman for the absentees; and when present, each member shall vote upon any question submitted. When the Mayor is being proceeded against, or is absent, the Recorder shall be entitled to a vote.

SEC. 11. The rules of evidence and practice not herein provided for, shall, as far as practicable, conform to the rules of the circuit court of Kanawha county and the laws of the land.

SEC. 12. Upon the final question, the vote shall be taken upon each charge, by ayes and noes, and entered of record. And if six members of the Common Council, elected or appointed thereto, concur in sustaining any article of the charges, the said Council shall proceed to pass judgment as required by law; but all other questions shall be determined by a majority vote of those present.

SEC. 13. The question upon the final vote shall be, "Shall charge No. — be sustained?" And if any such charge be sustained, the record shall set forth the charge and the vote of each member thereon.

SEC. 14. When any charge, sufficient in law to warrant the removal of the party charged from office shall be thus sustained, the judgment of the said Council shall be that the party charged shall be removed from his office, which judgment shall be declared by the presiding officer, and the said office declared vacant; whereafter if the party so removed attempt to exercise the functions of said office, he shall be summarily punished by fine not exceeding five hundred dollars, or imprisonment in the city prison for a term not exceeding thirty days, or both.

SEC. 15. Said charges may be preferred by any reputable per-

son, or they may originate in the Council by resolution thereof, or upon a report of any of its committees; but the affidavit provided for in the second section hereof shall, in all cases, be necessary.

SEC. 16. Upon any judgment removing any party charged as aforesaid, the costs of the trial shall be paid by the party against whom the judgment is entered. If the said charges are not sustained, nor any removal ordered by Council, the costs of the trial shall be paid by the person preferring the charges, unless the prosecution be ordered by resolution of Council, in which latter case, they shall be paid by the city.

CITY ORDERS.

AN ORDINANCE

Relating to City Orders.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That no moneys, except such as may be paid on city bonds and coupons, shall be paid by the city except upon an order upon the City Treasurer drawn by the Recorder, and countersigned by the Mayor, under specific authority of the Council entered of record. Such order shall be dated the day of its authorization and shall be in the following form:

“No. _____ CHARLESTON, WEST VA., (date)
 _____, Treasurer of the City of Charleston, will upon presentation to him of this order, endorsed by the Sergeant “no offset” pay to _____, or order, the sum of _____¹⁰⁰
 Dollars, for (describe nature of claim for which order is given), out of _____ fund.

(Signed)

(Signed)

_____ Recorder.

_____ Mayor.

§ _____

SEC. 2. Upon the delivery of a city order upon the Treasurer to any person entitled thereto, it shall first be presented by the person to the Sergeant, whose duty it shall be to ascertain if said person owes any taxes or other city claims in his, the Sergeant's hands for collection; or in the hands of the ex-Sergeant, and if there be no such taxes or claims against such person, the Sergeant shall endorse on said order, over his official signature, the words “No offset”. Nor shall the Treasurer pay any order upon him not so endorsed. The Recorder is forbidden to split any order allowed, except by special direction of Council.

SEC. 3. The Recorder shall keep in an order-register the date, number and amount of all city orders issued, with a space opposite thereto for the signature of the party receipting therefor. Upon every settlement made with the Treasurer, the cancelled orders surrendered by him shall be by the Recorder compared with said regis-

ter, and all orders thus found to be paid shall be checked off with red ink, in order to show the amount of out-standing orders.

SEC. 4. After the Common Council shall have approved any settlement made by its Finance Committee with any of its officers, the city orders surrendered at such settlement and reported to the Council, shall after having been by the Recorder compared with the order-register as provided in sec. 3, be burned in open Council.

ORDERS LOST OR STOLEN.

AN ORDINANCE

In relation to City Orders lost or stolen.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That in cases where a city order drawn upon the City Treasurer, has been lost by, or stolen from the holder thereof, the party suffering such loss may have issued to him by the Council a duplicate of said order, on the following conditions, to-wit:

The said party must file with the Recorder an affidavit setting forth the fact and circumstances of said loss, and specifically describing said order, and he must, moreover, execute to the city a bond, with security to be approved by the Council, in a penalty of twice the amount of the said order, to indemnify the city in the event of the payment of said order by the City Treasurer.

SEC. 2. As soon as the affidavit aforesaid is filed with the Recorder it shall be the duty of that officer to furnish to the Treasurer a memorandum of the loss or theft of the order, stating the date, number, payee and amount of the order, and the fund upon which it is drawn, and to notify the Treasurer not to pay or receive said order.

CITY BONDS.

AN ORDINANCE

Embodying certain general provisions as to City Bonds.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That no city bond, interest-bearing order, or other evidence of indebtedness, shall ever be issued by the Common Council, or any official or employe of the city, unless the issuance thereof shall have been authorized by a proper ordinance of the city, and in strict conformity with, and subject to all the limitations set out in section 8 of Article X. of the Constitution of the State of West Virginia, as well as all the acts of the Legislature governing the subject.

SEC. 2. Whenever any bond or other evidence of indebtedness is issued by the municipal authorities of said city, the sinking

fund and interest fund created for the liquidation of principal and interest thereof, shall, as fast as collected, be paid into the hands of the City Treasurer to the credit of these funds, and shall then be held by the said Treasurer sacred and inviolate for the purposes for which said funds are created, and shall cease to be subject to the order of the Council, except that under the direction of Council, the Treasurer may invest said sinking fund as is provided in section 10, chapter 141, Acts 1872-'3.

SEC. 3. The Recorder shall keep a book to be known as the Bond-register, wherein he shall record the following memoranda in reference to every city bond or other evidence of indebtedness issued by the city, viz: The number, date, denomination, rate of interest, time till maturity, number and amount of the coupons attached, name of party to whom negotiated.

All bonds and coupons surrendered by the Treasurer, upon settlement made with the Council, shall be by the Recorder compared with the Bond-register, and all bonds or coupons thus found to be paid shall be checked off with red ink, in order to show the outstanding bonds and coupons.

SEC. 4. After the Common Council shall have approved any settlement made by its Finance Committee with any of its officers, the city bonds and coupons surrendered at such settlement and reported to Council, shall after having been by the Recorder compared with the bond-register as provided in section 3, be burned in open Council.

CITY LICENSES.

AN ORDINANCE

Relating to city licenses.

FOR WHAT A CITY LICENSE IS NECESSARY.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That no person without having first regularly obtained a city license therefor shall sell, offer, or expose for sale spirituous liquors, wine, porter, ale, or beer, or any drink of like nature, either within the city limits or within one mile thereof, either on the land or the Kanawha or Elk rivers. This section shall not apply to any licensed steamboat navigating said rivers. Nor shall any person without having first regularly obtained a city license therefor, carry on the business of a distiller or brewer of whisky, beer, porter or ale, either within the city limits or within one mile thereof. Nor shall any person without having first regularly obtained a city license therefor, keep for public use or resort a skating rink or shooting gallery within said city. All mixtures or preparations known as "bitters," or otherwise, which will produce intoxication, shall be deemed spirituous liquors within the meaning of this section.

SEC. 2. No person, without having first regularly obtained a city license therefor, shall within the limits of the city, carry on the business of a druggist; or keep a hotel or tavern, eating house or restaurant; or furnish refreshments, not including intoxicating drinks, at a public theatre; or sell by retail, tobacco, snuff or cigars; or keep for public use or resort a bowling alley, billiard table, pool table, bagatelle table, or any table of like kind; or exhibit any circus, menagerie, circus and menagerie combined, 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 other broker than a money or pawn broker, by buying or selling for others stocks, securities or other 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 practice the business of a pawn broker by lending money or other thing for profit for or on account of personal property deposited with the lender in pledge; or sell, or barter, or offer, or expose for sale or barter any patent right. Nor shall any corporation heretofore or hereafter chartered under the laws of the State of West Virginia, whether the same have its principal place of business or chief works within or without the State, do or attempt to do in said city any business by virtue of its charter or certificate of incorporation without a city license therefor, unless said chief works or principal place of business be in said city. Nor shall any agent traveling with one or more horses sell in said city any lightning rod, sewing machine, or organ, or other musical instrument without first obtaining a city license therefor. Nor shall any person use, or run in said city a dray, cart, cab, omnibus, barouch, carriage, wagon, water-cart, or other wheeled vehicle, for the carriage or transportation of persons or property for public hire without obtaining a city license therefor. Nor shall any insurance, telegraph or express company carry on by itself or agent, or attempt to carry on in said city any business without having first obtained a city license therefor, and having also first exhibited to the Recorder a copy of the statement required by statute to be filed with the Auditor of State, as well as of the certificate of said Auditor issued thereon.

LICENSES NOT REQUIRED IN CERTAIN CASES.

SEC. 3. 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 prohibit a druggist from selling

without license spirituous liquors or wine, in good faith, for medicinal purposes, or alcohol for medicinal, scientific or mechanical purposes; 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 a 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 effect 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 any 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.

If any druggist shall sell, in said city, spirituous liquors, or wine, unless for medicinal purposes, or alcohol, unless for medicinal, scientific or mechanical purposes, he shall, for each and every offence, be fined not less than twenty, nor more than one hundred dollars, with costs.

In any prosecution before the Mayor against a druggist for selling alcohol, spirituous liquors or wine, without a license therefor, if the sale be proven, it shall be presumed that the sale was unlawful in the absence of satisfactory proof to the contrary. No sale of alcohol, except for mechanical or scientific purposes, spirituous liquors or wine, shall be made by any druggist under the provisions of this section, 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 kind and quantity of liquors to be furnished him, and stating that such liquors so prescribed are absolutely necessary as a medicine, and not as a beverage, for such person. And the production of such prescription by the defendant at the trial of a charge against him for the sale of the alcohol, spirituous liquors or wine mentioned therein, shall be sufficient to rebut the presumption arising from the proof of such sale as hereinbefore provided for, if the Mayor believes from all the evidence in the case that the sale was made in good faith, under the belief that such prescription and statement were true. If any physician shall, for the purpose of aiding a druggist or other person in the violation of any of the provisions of this ordinance or otherwise, give such prescription and make such statement falsely, he shall be fined not less than fifty nor more than one hundred dollars, with costs.

HOW CITY LICENSES ARE OBTAINED.

SEC. 4. The city licenses mentioned in the first section shall be

issued only when authorized by the Common Council of the city of Charleston.

Every person desiring to obtain a city license shall apply for a certificate thereof to the City Assessor, who shall assess the proper city license tax upon the subject and deliver to said person a certificate thereof, setting forth the name of the person, the kind of business to be done, the place where the same is to be carried on, the time for which the license is assessed and the amount of license tax to be paid. When this amount is paid by said person to the City Sergeant and by said Sergeant receipted for on the face of the said certificate, the same shall constitute a sufficient warrant for said person carrying on the business, at the place and for the time named therein; except that for the class of licenses named in the first section, such certificate shall be of no effect unless the license be authorized by the Common Council, and so entered of record on its journal. No license shall be held to have been issued by said Council or its City Assessor until the tax on the same shall have been paid to the City Sergeant. And if the Council refuse to authorize any license, the tax paid therefor to said Sergeant by said person shall be refunded immediately.

CERTIFICATE OF CHARACTER REQUIRED.

SEC. 5. The Common Council shall not authorize any license mentioned in the first section, unless they are satisfied, and so enter on their journal, that the applicant for such license is not of intemperate habits.

BOND REQUIRED.

SEC. 6. The Common Council shall not authorize or issue any license to sell spirituous liquors, wines, porter, ale, beer or drinks of like nature, until the applicant shall have given bond with good security, to be approved by the Council, in the penalty of three thousand five hundred dollars, conditioned as required by section 18, chapter 32 of the Code of West Virginia, as amended, and no person shall be received as surety on more than one of such bonds. For taking these bonds, the Recorder shall collect one dollar from each applicant, which shall accrue to the city, and be paid into the contingent fund of the City Treasury.

REVOCATION OF LICENSES IN CERTAIN CASES.

SEC 7. The Council may revoke any license mentioned in the first section, for good cause shown, upon petition in writing of any inhabitant of said city. 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. Judgment by any court having jurisdiction against any such licensee for the violation of any state law or city ordinance regulating the sale of spirituous liquors shall be sufficient evidence to warrant the revocation of his license.

OF THE PLACE TO WHICH THE LICENSE IS CONFINED.

SEC. 8. Every certificate issued by the City Assessor as aforesaid, if it be to authorize the keeping of a skating rink, shooting gallery, or to sell or distill spirituous liquors, wines, porter, ale, beer or any drink of like nature, shall specify the house where the business is to be carried on, and to keep or carry on the same at a different place shall be deemed a violation of this ordinance. Other licenses shall be deemed co-extensive with the city. If the person holding a city license which is limited to a particular house as aforesaid, desires to have such license transferred to another place, the Council may authorize the transfer and cause a memorandum thereof to be endorsed on such license by the Recorder. 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 named.

ASSIGNMENT OF LICENSE TO OTHER PERSONS.

SEC. 9. A person holding any city license mentioned in the first section may assign the unexpired term thereof to another, with the assent of the Council, entered of record, and endorsed thereon by the Recorder. If the assignment be of such a license as is mentioned in section six, the assignee must prove that he is not of intemperate habits, and give the bond as required in said section. A person holding any city license other than those mentioned in the first section, may transfer the unexpired term thereof to another, by assignment endorsed on the license and attested by the City Assessor. But no assignment of a license shall be of any effect unless made in the manner prescribed in this section.

FEES FOR LICENSES AND FOR TRANSFERS AND ASSIGNMENTS OF THE SAME.

SEC. 10. For every city license or transfer, or assignment of the same, authorized or assented to as aforesaid by the Council, the Recorder shall be entitled to a fee of fifty cents. For every certificate for a license or assignment of a license attested as aforesaid by the City Assessor, that officer shall 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 transfer or assignment made.

PENALTY FOR ACTING WITHOUT LICENSE.

SEC. 11. Any person violating the first section shall, in addition

to the other penalties prescribed for sales or gifts of spirituous liquors, wine, porter, beer, ale, or drinks of like nature in violation of the prohibitions mentioned in the bond required in section 6, be fined not less than twenty nor more than one hundred dollars, with costs. Any person violating the second section shall be fined not less than ten nor more than fifty dollars, with costs. It shall be unlawful for any person, whether he have a license or not authorizing the sale of spirituous liquors, wine, porter, beer, ale and drinks of like nature, knowingly to sell or give, either within said city or within one mile thereof, any such liquors or drinks 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 to 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; and any person offending against this provision shall be fined not less than twenty nor more than one hundred dollars, with costs. A sale of any such liquors or drinks by one person for another shall, in any prosecution for such sale, be taken and deemed an unlawful sale by both, and both shall be subject to fine. And the purchase of any such liquors or drinks by one person for any such person to whom the sale is herein prohibited, or under the circumstances under which such sale is herein prohibited, shall subject the purchaser thereof to a like penalty.

OF THE TIME FOR WHICH LICENSES ARE TO BE GRANTED.

SEC. 12. Every city license to keep a hotel or tavern, eating-house or restaurant, or 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, pool table, bagatelle table, or any table of like kind, or a shooting gallery or skating rink; or practice the business of a money broker or private banker by selling or buying uncurrent or depreciated money or funds, or exchanging one kind of money or funds for another, for profit or reward; or practice the business of other broker by buying or selling for others stocks, securities or other property for a commission or reward, or practice the business of a pawn-broker, or to carry on the business of a druggist, or the business of a distiller or brewer of whisky, beer, porter or ale, or to sell by retail tobacco, snuff or cigars; or to carry on the business of a corporation chartered under the laws of this State, or the business of an insurance, telegraph or express company, shall expire on the thirtieth day of April next after the commencement thereof. If granted for a less time than a year, the city tax thereon shall be computed from the annual tax in proportion to time such license has to run.

All other city licenses except such as are provided for in the last sentence of this section, shall be for a year, four months or two months from the commencement thereof. If for four months, the

tax thereon shall be one-half, and if for two months, one-third of the annual tax. There shall be a city tax per week on theatrical performances; and on a circus, menagerie, circus and menagerie combined, or public show, for every exhibition, except as provided in the next succeeding section.

TAX ON LICENSES.

SEC. 13. On every city license to keep a hotel or tavern, eating house or restaurant, five per centum per annum upon the yearly value of the premises occupied for that purpose, estimated according to the sixth section of chapter 32 of the code of West Virginia.

ON DISTILLERIES AND BREWERIES.

The annual tax on a city license to distill whisky or to brew beer or ale, shall be three hundred dollars.

ON SALE OF LIQUORS, WINE, PORTER, ALE, &C.

The annual tax on every city license to sell spirituous liquors, wine, porter, beer, ale and drinks of like nature, at retail, shall be five hundred dollars.

The annual tax on every city license to sell spirituous liquors, wine, porter, beer, ale and drinks of like nature at wholesale, shall be fifty dollars. For both retail and wholesale, five hundred and fifty dollars. No person having such license to sell at retail shall sell or deliver by virtue thereof more than five gallons at a time, and the sale and delivery of more than five gallons at a time shall be deemed a sale without license. Nor shall any person having such license to sell at wholesale sell or deliver, by virtue thereof, a less quantity than five gallons at a time, and if any such sale or delivery be made it shall be deemed a sale without license.

On every city license to sell at retail, domestic wines, ale, beer and drinks of like nature only, the annual tax shall be two hundred dollars.

The annual tax on other city licenses shall be as follows: On every license to keep a roller skating rink for public use or resort, fifty dollars.

On every license to act as an auctioneer, twenty dollars, to be paid by each person acting as an auctioneer.

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

On every license to keep a billiard or pool table, or table of like kind, for public use or resort, twenty-five dollars; but if a pool table and billiard table be kept by the same person, in the same house,

twenty dollars for each ; and if more than one, or more than one of each, be kept in the same house, by the same person, twenty-five dollars for the first one, or twenty dollars for the first one of each, as the case may be, and ten dollars for every other one.

On every license to keep a bagatelle table, or table of like kind, for public use or resort, fifty dollars, but if more than one be kept in one house, by the same person, fifty dollars for the first one, and forty dollars for every other one.

On every license to carry on the business of a druggist, ten dollars.

On every license to practice the business of pawnbroker, one hundred dollars.

On every license to practice the business of a stock or other broker, other than that of pawnbroker, by buying or selling for others, stocks, securities or property, for a commission or reward, fifty dollars ; but the persons holding such license shall, while it continues in force, have the right to sell stocks and securities at public auction without a city license to act as auctioneer.

On every license to practice the business of 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.

On every license to sell or barter patent rights, twenty-five dollars.

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

On every license to sell sewing machines, if the salesman thereof travel with one or more horses, twenty dollars ; on every license to sell organs or other musical instruments, if the salesman thereof travel with one or more horses, thirty dollars, and on every license to sell lightning rods, if the salesman thereof travel with one or more horses, fifty dollars.

On every license to keep a shooting gallery for public use or resort, ten dollars.

On every license to sell by retail tobaccos, snuff or cigars, three dollars.

On every license for theatrical performances, five dollars for each week ; and no such license shall be issued for any fraction of a week,

Provided, That a theatre, opera house, or other permanent public show shall have license to exhibit for three months for twelve dollars and fifty cents, for six months eighteen dollars and seventy-five cents, and for one year for twenty-five dollars.

On every license to exhibit a circus, fifty dollars for each exhibition ; on every license to exhibit a menagerie, thirty dollars

for each exhibition ; on every license to exhibit a circus and menagerie combined, seventy-five dollars for each exhibition ; and on every license to exhibit any other public show (inclusive of each and every side show in the vicinity of a circus or menagerie, or circus and menagerie combined), twenty-five dollars for each exhibition ; except that a license to exhibit a museum or public show where the admission is ten cents, shall be five dollars a day or twenty dollars a week.

On every license to carry on in said city the business of any corporation chartered or incorporated by or under the laws of the State of West Virginia, if the principal place of business or chief works thereof are located in said State, ten dollars ; or if located outside of said State, fifty dollars ; to be paid by the local agent thereof for the company, who shall be held to be amenable for any breach of this ordinance for carrying on or attempting to carry on said business without paying the said tax on such license.

On every license to carry on in said city the business of any insurance, telegraph or express company, five dollars, to be paid by the local agent thereof for the company ; who shall be held to be amenable for any breach of this ordinance for carrying on or attempting to carry on said business without paying the said tax on such license.

On every license to run within said city, for the transportation of persons or property for hire, any dray, cart, wagon, water-cart, barouche, carriage, hack, cab, omnibus, or other wheeled vehicle, if the same be drawn by one animal, two and one-half dollars ; if by two animals, five dollars ; if by more than two animals, six dollars.

SEC. 14. The police are particularly charged with the duty of seeing that this ordinance is complied with, of ascertaining all violations thereof and reporting the same to the Mayor.

SEC. 15. The Sergeant is hereby instructed, whenever he collects any license tax on any business carried on, or to be carried on outside of the limits of the city, to pay the same over to the Treasurer of the city, to the credit of the Consolidated Sinking Fund ; and the City Treasurer is hereby instructed to place to the credit of said Fund any moneys so paid him by the Sergeant ; said tax being imposed and collected solely for the purpose of discharging the bonds of the city. (See *Kauffle v. Delaney, Mayor*, 25 W. Va. 410).

SEC. 16. Each party who obtains of the Council a permit to apply to the county court for a State license, shall pay to the Recorder a fee of fifty cents for the same, which shall accrue to the city and be paid into the Contingent Fund of the City Treasury.

SEC. 17. All ordinances, or parts of ordinances, in conflict herewith, are hereby, to that extent, repealed.

DOG TAX.

AN ORDINANCE

In relation to the City License Tax on Dogs.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person to keep a dog within the city limits without complying with the requirements of this ordinance. Every person owning, harboring or having in charge any dog in the corporate limits of the city of Charleston shall, on or before the 1st day of May of each year apply to the City Sergeant for a dog medal for said dog. In applying for the same he shall state whether it is a male dog or female dog, giving name, color and breed of same. After procuring and paying for a proper medal, he shall then attach the same to the animal in some manner that it may be plainly visible. This medal shall be construed as proof of the dog having been regularly licensed; and unless it be found so attached the dog shall be treated as unlicensed.

SEC. 2. The Sergeant shall procure, under the direction of the Council, a sufficiency of said medals. The medals shall bear consecutive numbers and the words "City tax. 188—" The medal for a male dog shall be of brass; that for a female dog shall be of copper. No medal shall be issued until the license is paid. The annual license tax on a male dog shall be one dollar; that on a female dog, two dollars. And no deduction shall be made in these prices for fractional parts of a year. The Sergeant shall keep a register of all dogs for whom medals have been issued by him, which shall show name of applicant for license and a description of the dog. A copy of this register shall be hung up in his office in the City Hall, to the intent that the police may inspect it and inform themselves as to what dogs in the city continue unlicensed.

SEC. 3. Any person owning, harboring or having charge of any dog within the city limits upon which the proper annual city license tax has not been paid and upon which said medal is not kept attached, shall be fined not less than one nor more than ten dollars, with costs.

SEC. 4. The police are hereby directed to keep themselves informed as to what dogs in said city are licensed and what are not; and it is hereby made their duty to report all unlicensed dogs to the Mayor.

SEC. 5. The Sergeant shall be charged with all the medals procured for him by the Council, and credited with all such as he may have remaining in his hands unsold.

SEC. 6. The Mayor may order any unlicensed dog found upon the streets to be impounded by the pound master, whose fees and those of the Sergeant in the premises shall be the same as are allowed in the case of a hog impounded.

SEC. 7. Nothing in this ordinance shall be construed as limiting

the power of the Council to cause all dogs within the city, whether licensed or not, to be controlled by any regulations found necessary in case of the appearance of hydrophobia within the city.

ASSESSMENT OF TAXES, AND THE CORRECTION OF ERRONEOUS ASSESSMENTS.

AN ORDINANCE

In relation to the Assessment of City Taxes, and the Correction of Erroneous Assessments.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the city taxes shall be levied only upon the values of property ascertained for State purposes. This rule, however, shall not apply to license taxes for city purposes, nor to city poll taxes. All assessments of valuations and polls for any year shall relate to the first day of April of that year.

In making his annual assessments of property liable to city taxation, the City Assessor shall, as far as practicable, be governed by the principles of assessment laid down in chapter 29 of the Code of West Virginia.

In cases where the state assessor has omitted to charge any persons or property, whether real or personal, which is legally subject to city taxation, the City Assessor shall charge the same upon his assessment books.

SEC. 2. Any person aggrieved by an erroneous charge on the city assessment books, if the same be also upon the State assessment books, shall be entitled to such relief as the county court of Kanawha county may grant in the premises. If any person is aggrieved by an erroneous charge on said first named books, not on the state assessment books, or if he be aggrieved by any erroneous assessment with a city license tax, he may be relieved by the Council by application made directly to them. In any case, the application must be in writing, and in the first case, must be accompanied by a transcript of the order of the county court granting relief. No such application to correct an entry in the city assessment books shall be considered by the Council if filed more than sixty days after the entry of the order by said county court making such correction; nor shall any application to correct an assessment of a city license tax be considered if filed more than three months after the date of said license.

SEC. 3. When the Council makes any order correcting any assessment of property, if any taxes be exonerated, the order shall be that the applicant shall be exonerated from the payment of so much of his taxes if not paid, and if paid, that the Sergeant do refund so much to him.

The party obtaining the relief shall be entitled to a copy of the order of Council granting the same, attested by the Recorder; which copy shall be, in the hands of the Sergeant, a voucher for the amount therein named, in any settlement with the Council. No city order on the Treasurer shall be issued for the purpose of refunding any taxes exonerated as aforesaid.

ANNUAL LEVIES.

AN ORDINANCE

Prescribing the time and mode of laying the annual city levy.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the Council shall annually at their first regular meeting after the city assessment books shall have been returned properly verified as prescribed by ordinance, cause to be made up and entered upon its journal an account and estimate of all sums which ought within one year to be paid, or set apart as contemplated in the ordinance establishing the Consolidated Sinking Fund, the amount necessary to be raised for the general revenue purposes of the city, the amount outstanding of unpaid city orders, and a proper allowance for delinquent taxes, expense of collection and contingencies; but deducting the money in the several funds of the city treasury, except the interest and Consolidated Sinking Funds, and also deducting the licenses, fines and city claims the collection of which during the year may, in their opinion, be relied on. The Council shall thereupon levy a capitation tax of two dollars on every male person residing in said city over the age of twenty-one years, and in addition, so many cents on every hundred dollars of the property taxable in the city, according to the last assessment thereof for city taxation, as will, together with said capitation tax, cover the estimated amount necessary to be raised for city purposes during said year; provided, however, that the amount so determined to be levied shall not exceed in any one year, for all purposes, the sum of one dollar and twenty-five cents on each hundred dollars valuation. Nothing in this section shall be construed as nullifying the requirement of levying annually the sum of four thousand five hundred dollars, and the sum of six thousand dollars to be levied and appropriated respectively, to the Consolidated Sinking Fund and the interest fund, as provided in the ordinance adopted October 30, 1883.

SEC. 2. When an order is made for a levy as aforesaid, the Recorder shall within two days thereafter make out and certify two copies thereof, and deliver one of said copies to the Sergeant and charge that officer with the amount of said levy in the proper account book of the city, and shall also deliver the other of the said copies to the Assessor, in order that he may thereby extend the levy in the assessment books.

COLLECTION OF CITY TAXES.

AN ORDINANCE

Relating to the collection of city taxes.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That except in cases in which delinquent or railroad taxes due the city are paid to the Auditor or Sheriff of Kanawha county, and except in cases in which city taxes are collected by enforcement of the lien upon real estate in any court of record in Kanawha county, said taxes shall be collected by the City Sergeant.

SEC. 2. Said Sergeant shall immediately after he shall have made out his tax-tickets, proceed to collect the same, taking nothing but money in payment thereof. After sixty days from the time the City Assessor's books are placed in his hands, he shall have the powers of distraint and sale, and all other powers to enforce the collection of the city taxes that a Sheriff has to enforce the collection of State taxes. But no distraint shall be made for city taxes where the Sergeant has had more than two years to collect the same. This right of distress and sale for city taxes shall belong to the said Sergeant for six months after his term of office shall have expired.

SEC. 3. Any goods or chattels in the city belonging to the person or estate assessed with city taxes may be distrained therefor.

SEC. 4. The goods and chattels of the tenant or other person in possession, claiming under the party or estate assessed with city taxes on land for the year or years in which he is so in possession, may be distrained if found on the premises. No deed of trust, mortgage upon, or sale of goods or chattels shall prevent the same from being distrained and sold for city taxes assessed against the grantor in such deed, or the former owner thereof, while such goods and chattels remain in the grantor or former owner's possession. Nor shall any such deed or mortgage prevent the goods and chattels conveyed from being distrained and sold for city taxes assessed thereon, no matter in whose possession they may be found.

SEC. 5. Any person indebted to, or having in his hands estate of the party assessed with city taxes, may be applied to by the Sergeant for payment thereof out of such debt or estate, and a payment by such person of the said taxes, either in whole or in part, shall entitle him to a charge or credit for so much on account of such debt or estate against the party so assessed. If the person applied to do not pay so much as it may seem to the Sergeant ought to be recovered on account of the debt or estate in his hands, the Sergeant shall forthwith give to such person a written or printed notice not to pay or deliver to the party so assessed any debt he owes or estate belonging to such party, and immediately thereafter said Sergeant shall, if the sum due for such taxes do not exceed fifty dollars, procure from a justice a summons directing

such person to appear before some justice having jurisdiction at such time and place as may seem reasonable; if the sum due as aforesaid exceed fifty dollars, and be not over three hundred dollars, he shall procure from a justice or the clerk of the circuit court of Kanawha county, as he may next, a summons directing such person to appear before the justice, as aforesaid, or before the said court on the first day of the next term thereof; and if the sum due as aforesaid exceed three hundred dollars he shall procure such summons from the clerk of said court, returnable as aforesaid. And from the time of the service of any such notice, the city taxes shall constitute a lien on the debt so due from such person, or on the estate in his hands. Upon the return of said summons executed, the Sergeant shall take all proper steps to secure judgment for the recovery of said taxes.

SEC. 6. A purchaser in possession of a tract or lot of land who has not obtained his deed therefor, shall be liable for the city taxes assessed thereon.

SEC. 7. In the settlements made with said Sergeant by the Finance Committee, no credit shall be given him for uncollected city taxes unless he make and return to Council a delinquent list as provided in the ordinance relating to the powers and duties of the City Sergeant.

SEC. 8. If the Sergeant shall return in said list any real estate, persons or property as delinquent for the non-payment of city taxes, when such taxes shall have been actually received by him, or when part thereof shall have been paid, without giving the proper credits; or if said Sergeant shall return in said list any real estate, persons or property as delinquent, when he had either found or might have found with reasonable diligence, sufficient property within the city liable to distress for the city taxes for which such real estate, persons or property are returned delinquent, he shall upon conviction before the Mayor, be fined for each offence, not less than ten dollars nor more than one hundred dollars, with costs.

SEC. 9. The Council shall, at the end of two years from the time that the Sergeant receives the Assessor's books for collection, cause all uncollected city taxes which are a lien upon real estate to be placed in the hands of the City Solicitor for collection.

SEC. 10. On or before the first day of October, in the year of 1887, and in every second year thereafter, the Finance Committee shall ascertain and report to Council what lands lying within the city have been returned delinquent and are to be sold for the non-payment of State taxes, also on which of said lands, about to be sold as aforesaid the city taxes can not otherwise be collected than as contemplated in this section; whereupon the Council shall certify the delinquent city taxes due on the lands last mentioned to the Auditor in order that they may be sold by

the Sheriff of Kanawha county for the city taxes due thereon. Said committee is to take proper steps to secure the payment to the city of said city taxes, with interest as provided in sec. 4, chapter 31 of the Code of West Virginia.

RAILROAD TAXES.

AN ORDINANCE

Providing for the collection of railroad taxes.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be the duty of the Recorder within thirty days after the annual order for a city levy is made by the Council, to certify to the Auditor of the State the amount levied upon each one hundred dollars value of the property assessed in said city, to guide said Auditor in ascertaining the amount of city taxes due from any railroad company whose railroad runs through any part of said city, on the value of the property of said company apportioned to the city by the county court of Kanawha county as provided in section 67 of chapter 29 of the Code of West Virginia (Warth's).

SEC. 2. If said company pay said taxes to the Auditor, the Recorder, citing this ordinance as his authority therefor, shall direct that officer to pay over the amount thereof to the City Treasurer, and to report the payment to the Council. If said taxes be collected by the Sheriff of Kanawha county, the Recorder, citing this ordinance as his authority therefor, shall direct that officer to pay over the amount thereof to the City Treasurer, and to report the payment to the Council.

SEC. 3. All railroad taxes shall be "distributed" by the Treasurer, into the several funds of the city, as provided in the ordinance requiring city moneys to be kept in separate funds.

SEC. 4. All buildings and real estate owned by such company and used or occupied for any purpose not immediately connected with its railroad, or which is rented or occupied for any purpose to or by individuals, shall be assessed by the City Assessor with the city taxes chargeable thereon, the same as other property of the like kind belonging to an individual.

OFFENCES AGAINST MORALITY AND DECENCY.

AN ORDINANCE

Relating to offences against morality and decency.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person or persons to make any indecent or immoral exhibition or exposure of his, her or their person or persons, or to cause or procure any person or

persons to do the same, in the presence or view of any other person or persons within said city.

SEC. 2. It shall be unlawful for any person to appear in any street or other public place in said city in a state of intoxication or drunkenness.

SEC. 3. It shall be unlawful for any person to commit or perpetrate any indecent, immodest, lewd or filthy act in the presence or view of any other person in said city, or in such a situation that persons passing or repassing therein, might ordinarily see the same.

SEC. 4. It shall be unlawful for any person to utter or speak any bawdy, lewd or filthy words, or any profane language within the hearing of any other person in said city.

SEC. 5. It shall be unlawful for any person to exhibit publicly within said city any indecent painting, engraving, print, sculpture, picture or representation.

SEC. 6. It shall be unlawful for any person within said city to print, engrave, make, sell, or offer for sale, or exhibit for sale, any indecent, immodest or lascivious books, pamphlets, papers, pictures or statuary.

SEC. 7. It shall be unlawful for any person within said city, or within one mile thereof, to assault, frighten, speak rudely or indecently to, make any immodest, obscene or insulting gesture to, or in any way insult or molest any female.

SEC. 8. Any person offending against any of the provisions of any of the foregoing sections, shall be fined not less than one, nor more than fifty dollars, with costs.

HOUSES OF ILL-FAME—LEWDNESS.

AN ORDINANCE

To suppress houses of ill-fame and lewdness.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person or persons to keep any house or houses of ill-fame within the police jurisdiction of said city; and every person so offending shall be fined not exceeding one hundred dollars, nor less than twenty dollars, with costs.

SEC. 2. It shall be unlawful for the owner or owners of any house or houses within the police jurisdiction of said city to rent or lease the same, or any part thereof, to be used or occupied as a house of ill-fame by the renter or lessee, or any sub-tenant, or, after notice of the fact by the Mayor, that such house is so used or occupied, to permit any one to occupy the same for the purpose aforesaid for the space of ten days, without any legal efforts to dispossess such occupant or occupants; and any person so offending shall be fined not exceeding one hundred dollars, nor less than twenty dollars, with costs.

SEC. 3. It shall be unlawful for any person or persons knowingly to harbor or keep about his, her or their house, room or tenement, within the police jurisdiction of said city, any lewd woman or common strumpet, for purposes of lewd or lascivious behavior; and every person so offending shall be fined not exceeding forty dollars, nor less than five dollars, with costs.

SEC. 4. Every female who shall reside in any house of ill-fame, within the police jurisdiction of said city, or who shall resort thereto for the purpose of prostitution, or who shall prostitute herself therein or thereabouts, or by indecent and lascivious language, gesture or behavior, or otherwise shall entice persons therein for the purpose aforesaid, shall be fined not exceeding fifty dollars, nor less than five dollars, with costs.

SEC. 5. It shall be unlawful for any male person of the age of twelve years and upwards to reside in any house of ill-fame within the police jurisdiction of said city, or to resort thereto in the character of servants, musicians, boarders, lodgers, pimps or otherwise, for the purpose of aiding, abetting or encouraging the owner or keeper of such house or the females who reside therein, or to resort thereto in the gratification of lewd and lascivious practice, or to be found lounging or loitering in or about any such house or coming out therefrom. And every person offending against this section shall be fined not less than five dollars, nor more than fifty dollars, with costs.

SEC. 6. It shall be unlawful for any person to aid or abet, contrive or procure any assignation within the police jurisdiction of said city. It shall be unlawful for any female to prostitute herself within said jurisdiction, or to solicit any prostitution of herself; and it shall be unlawful for any male to be a party to such prostitution. Any person offending against any provision of this section shall be fined not exceeding fifty dollars, nor less than five dollars, with costs.

SEC. 7. All carousals which may be held or gotten up at any house of ill-fame in the said police jurisdiction, or at any house therein where lewd women wantonly form a part of the assembly, shall be deemed disorderly and unlawful, and every person who shall participate in, or be in attendance at any such carousal shall be fined not exceeding fifty dollars, nor less than five dollars, with costs.

SEC. 8. It shall be unlawful for any persons not lawfully married to each other, lewdly and lasciviously to associate and cohabit together, or, whether married or not, to be guilty of open and gross lewdness or lasciviousness within the police jurisdiction of said city; and any person offending against any provision of this section shall be fined not exceeding fifty dollars, nor less than five dollars, with costs.

SEC. 9. It shall be unlawful for any lewd woman or common

prostitute to appear upon the streets of said city after nine o'clock p. m., and every person offending against this section shall be fined not less than one, nor more than twenty-five dollars, with costs.

DISORDERLY CONDUCT.

AN ORDINANCE

To prevent riots, routs, noise, disturbances, and disorderly assemblies.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That if any person or persons in said city shall willfully or wantonly disturb, molest or interrupt any church, religious meeting, literary society, school, Sunday school, lecture, public speech, opera, concert, theatre, show, society formed for the intellectual, moral or physical improvement of its members, or any peaceable and lawful assemblage of the inhabitants of said city for social or deliberative purposes, or any person or persons while meeting or met together for lawful purposes, or any lawful and orderly procession along the streets of said city, every such person so offending shall be fined not exceeding fifty dollars, nor less than three dollars, with costs.

SEC. 2. If any person or persons shall, within the police jurisdiction of said city, feloniously take money, or other articles from the person or possession of another, or in his presence against his will, by violence or putting him in fear, such person or persons so offending shall be fined not exceeding fifty dollars nor less than ten dollars, with costs.

SEC. 3. If any person or persons shall, within said city, extort or attempt to extort money or other valuable thing from another by blackmailing or threats, such person or persons so offending shall be fined not exceeding fifty, nor less than ten dollars, with costs.

SEC. 4. If any person or persons shall, within the police jurisdiction of said city, shoot, stab, shoot at, assault, beat or strike another person with intent to injure him, or to put him in fear to desist from doing whatever he might lawfully do, or to induce or compel him to do that which he might lawfully refuse to do; or shall brandish any dangerous weapon at another in a menacing manner with like intent; or shall draw, otherwise than in self-defence, in a threatening or angry manner, in a crowd of persons, or in close proximity thereto, a loaded pistol or bowie-knife from its scabbard; or with like intent and under like circumstances, shall draw, produce or be armed with any dangerous weapon, implement or missile, every person so offending shall be fined not exceeding one hundred, or less than five dollars, with costs.

SEC. 5. If any person in said city shall challenge another to fight

at fisticuffs or with cudgels, pistols or other weapons, or shall use any insulting, taunting, reviling, opprobrious or threatening language which tends to violence or a breach of the peace, every person so offending shall be fined not less than one, nor more than twenty dollars, with costs.

SEC. 6. Every person who shall engage in a riot, rout, or take part in an unlawful assembly in said city shall be fined not less than one, nor more than fifty dollars, with costs.

SEC. 7. Every person who shall conduct himself in a noisy, boisterous or tumultuous manner, disturbing or calculated to disturb the peace of the city, or the peace and quiet of any neighborhood or any lawtully assembly of people therein; or who shall wantonly, willfully, or as a result of his intoxication, be noisy or annoying to a neighborhood or to any inhabitant of the city, shall be fined not less than one, nor more than twenty-five dollars, with costs.

SEC. 8. That if any person shall play shinny, foot ball or quoits, or roll a hoop for amusement, fly any kite or play at any other game, or play in the streets or public alleys, to the hindrance or annoyance of a free passage along the same, such person so offending shall, on conviction, be fined in any sum not more than five dollars nor less than one dollar, with costs.

SEC. 9. That if any person shall knowingly create a false alarm by crying "fire," or shall ring a bell for the purpose of creating a false alarm, such person so offending shall be fined in any sum not more than twenty-five dollars nor less than one dollar, with costs.

SEC. 10. That if any person shall cut, tear or otherwise deface any hand-bill or notice, whether written or printed, containing information for the public, every such person so offending shall be fined in any sum not more than five dollars nor less than one dollar, with costs.

GAMBLING AND LOTTERIES.

AN ORDINANCE

Prohibiting gambling and lotteries.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That any person who shall keep or exhibit within the limits of said city a gaming table, fardo bank or table of the like kind, under any denomination, whether the game or table be played with cards, dice, or otherwise, or shall be a partner or concerned in interest in keeping or exhibiting such table or bank, shall be liable to a fine of not less than ten nor more than one hundred dollars, with costs.

SEC. 2. If any person within the limits of said city shall act as door-keeper, or guard, or watch or employ another person to act as such

for a keeper or exhibitor of a gaming table or a faro bank, or shall resist, or by any means or device prevent, hinder or delay the lawful arrest of such keeper or exhibitor, he shall be liable to a fine of not less than five nor more than fifty dollars, with costs.

SEC. 3. If any person within the limits of said city shall knowingly permit a gaming table or faro bank, such as is mentioned in the preceding sections, to be kept or exhibited on any premises in his occupation, he shall be liable to a fine of not less than ten nor more than one hundred dollars, with costs.

SEC. 4. If any person bet or play at any such table or bank as is mentioned in the first section, or if at any hotel or tavern or other public place, or place of public resort, he play at any game, except at bowls, chess, backgammon, draughts, or a licensed game, or bet on the sides of those who play, she shall be liable to a fine of not less than five nor more than fifty dollars, with costs.

SEC. 5. If any person within the city limits of said city, by playing or betting at any game or wager, elsewhere than at a public place, lose or win within twenty-four hours a greater sum or anything of greater value than twenty dollars, he shall be liable to a fine of not less than five nor more than fifty dollars, with costs.

SEC. 6. The buying, selling, or transferring of tickets or chances in any lottery or raffle within said city is hereby made an offence against the ordinances of this city, and if any person shall set up or promote, or be concerned in managing or drawing a lottery or raffle in said city for money or other thing of value, or knowingly permit such lottery or raffle in any house under his control, or knowingly permit money or other property to be raffled for in said house, or be done therein, by throwing or using dice, or by any other game or principle of chance, or knowingly permit the sale in such house of any chance or ticket in, or share of a ticket in a lottery or any writing, certificate, bill, token or other device purporting or intended to guarantee or assure to any person, or entitle him to a prize or share of, or interest in, or prize to be drawn in a lottery, or shall for him or another person, buy, sell or transfer, or have in his possession for the purpose of sale or with intent to exchange, negotiate or transfer, or shall aid in selling, exchanging, negotiating or transferring a chance or ticket in or a share of a ticket in a lottery, or any such writing certificate, bill, token or device, he shall be fined not less than five, nor more than fifty dollars, with costs.

BATHING.

AN ORDINANCE

Forbidding bathing in the Kanawha and Elk rivers.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person to bathe in a nude

state in the Kanawha or Elk rivers, within the corporate limits of said city, or opposite thereto, between the hours of daylight in the morning and dark in the evening; every person so offending, shall, for each offence, be liable to a fine of not less than one, nor more than five dollars, with costs.

THEFT AND SWINDLING.

AN ORDINANCE

To prevent thieving and swindling in the City of Charleston.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That if any person in said city rob any orchard, garden, house, or steal any money, clothing, goods or other thing of value, or anything that is the property of any resident of, or sojourner in said city, he shall be fined not less than five nor more than fifty dollars, with costs, or be confined in the city prison not exceeding thirty days, or both. And any person aiding or abetting in so doing shall be liable to like penalties.

SEC. 2. Any person obtaining or aiding in obtaining money or other property of any other person in said city under false pretenses, or obtaining a meal at a restaurant and refusing to pay for the same, or perpetrating, aiding or participating in any confidence game whereby money is fraudulently obtained, or using any device for selling money, or any other such-like-scheme whereby the public are or may be swindled, shall be fined not less than five nor more than fifty dollars, with costs, or be confined in the city prison not exceeding thirty days, or both.

WANTON OR MALICIOUS DESTRUCTION OF PROPERTY OR THE DEFACEMENT OF THE SAME.

AN ORDINANCE

In relation to the wanton or malicious destruction of property, or the defacement of the same.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That any person in the city of Charleston who shall wantonly or maliciously break any window, sign, transparency, fence, gate, door, or mutilate or destroy any tree or shrubbery, or injure any telephone or telegraph pole, or gas lamp, or gas lamp-post, or fire hydrant, culvert, drain pipe or sewer, catch-basin, man-hole, engine hose, or any other property, whether public or private, shall be fined not less than one, nor more than fifty dollars, with costs, or be confined in the city prison not exceeding thirty days, or both. If said breaking, mutilation, destruction or injury, result from

said person being in a state of intoxication, the same shall be taken and construed as wantonly done.

SEC. 2. Any person who shall post, nail, paste or attach any hand-bill, advertisement or notice upon any fence or other private property in said city, without the owner's consent, shall be fined not less than one dollar, nor more than ten dollars, with costs.

LAMP POSTS.

AN ORDINANCE

To protect gas lamp posts and fire hydrants.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person to hitch or tie any horse, mare, gelding or other animal to any gas lamp post or fire hydrant within said city.

SEC. 2. It shall be unlawful for any person to injure any fire hydrant or gas lamp post in said city or the lamps or burner of the same.

SEC. 3. It shall be unlawful for any person to post or paint on any of said fire hydrant, or gas lamp post, any handbill, advertisement, or thing of like nature.

SEC. 4. Any person violating any of the provisions of this ordinance shall be fined not less than one dollar nor more than fifty dollars, with costs.

SUNDAY.

AN ORDINANCE

To preserve order and to prevent common labor on Sunday.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person to work or do any bodily labor in the city of Charleston on the first day of the week, called Sunday.

SEC. 2. It shall be unlawful for any person to sport, riot, quarrel, shoot, indulge in loud or boisterous conduct, fly a kite, pitch quoits, play ball or other game or sport within said city, on the first day of the week, called Sunday.

SEC. 3. It shall be unlawful for any band or number of musicians, excepting military companies when called out by State or Federal authorities, to parade in any of the streets, lanes or alleys of the city on Sunday, except also on funeral occasions.

SEC. 4. It shall be unlawful for any person to cause or suffer any wagon, dray, carriage or other vehicle, over which he has control, to stand, without horses attached, on any street, lane or alley within said city, on Sunday.

SEC. 5. It shall be unlawful for any person, being the vendor of vinous, spirituous or malt liquors, or any other article of merchandise, on the first day of the week, called Sunday, to sell, barter or give away, or permit to be taken under any shift or device to evade the provisions hereof, any such liquors or other articles of merchandise, within the limits of said city.

SEC. 6. It shall be unlawful for any person, being, or acting for, the owner or occupant of any shop, store, grocery, saloon, or other place of business, within said city, to open the same by himself or agent for the purpose of business on the first day of the week, called Sunday.

SEC. 7. It shall be unlawful for any person to fish, swim or bathe in Kanawha or Elk rivers, either within said city, or within one mile thereof, on Sunday.

SEC. 8. It shall be unlawful for any person, having children, apprentices, wards or servants, to command, or wittingly or willingly to suffer any of them to do or participate in anything in this ordinance declared to be unlawful.

SEC. 9. Nothing herein contained shall be constructed to prevent works of charity or necessity, or to prevent tavern keepers from entertaining guests, druggists from dispensing medicines for the sick, tobacco stores, druggists and keepers of hotels and restaurants, who pay a city tax license as such, from selling cigars and tobacco, livery stables from keeping open, hacks from running, and news dealers from selling newspapers, nor the sale and delivery of ice and milk on Sunday.

SEC. 10. Any person violating any of the provisions of any of the foregoing sections, except the fifth and sixth, shall, upon conviction thereof, be fined not less than two, nor more than ten dollars, with costs; and any person violating any of the provisions of the fifth and sixth sections hereof, shall, upon conviction thereof, be fined not less than ten, nor more than fifty dollars, with costs.

DOG FIGHTS, &c.

AN ORDINANCE

In relation to dog fights or fights between other animals.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That any person who shall within the police jurisdiction of said city incite, encourage or cause dog fights, or fights between other animals, shall be fined not less than one, nor more than fifty dollars, with costs.

CRUELTY TO ANIMALS.

AN ORDINANCE

Relating to cruelty to animals.

SEC. *Be it ordained by the Common Council of the City of Charleston*, That it shall be unlawful for any person within the city of Charleston, or within one mile thereof, to cause or procure any bull-fighting, cock-fighting, or the fighting of dogs, or any other animals, or cruelly to kill or cripple, or commit any act of cruelty upon any animal.

SEC. 2. It shall be unlawful for any person in said city to overdrive, over-load, over-work, torture, torment, deprive of necessary sustenance, cruelly or unnecessarily use, beat, mutilate or kill, or cause or procure to be so overdriven, overloaded, overworked, tortured, tormented, deprived of necessary sustenance, or cruelly or unnecessarily used, beaten, mutilated or killed any horse, mule, ox or any other animal.

SEC. 3. It shall be unlawful for any person in said city, being the owner, driver, possessor, or person having charge or custody of a maimed, disabled or diseased horse, mule or other animal, cruelly to work the same when unfit for work, or cruelly abandon the same.

SEC. 4. Any police officer of said city is authorized immediately to arrest and bring before the Mayor any and all persons found by him offending against any of the provisions of the foregoing sections.

SEC. 5. Any person violating any of the provisions of the first three sections of this ordinance shall, upon conviction thereof before the Mayor, be fined not less than five nor more than fifty dollars, with costs.

VICIOUS ANIMALS.

AN ORDINANCE

Prohibiting vicious animals from running at large.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston*, That from and after the publication of this ordinance, it shall be unlawful for any person owning or having charge of any vicious animal, to permit the same to run at large within the city, or remain without a keeper in any street, alley, or other public place, or in any unenclosed ground in said city; and any person offending against the provisions of this ordinance shall, on conviction thereof in the Mayor's court, be fined five dollars for the first offence, and ten dollars for each succeeding offence, with costs.

SEC. 2. If any vicious animal be permitted so to run at large, or

if any animal prohibited by ordinance from running at large within said city, bite, hook, tear or otherwise injure any person in said city, the owner thereof shall be liable to a fine not exceeding twenty dollars, with costs.

CARRYING DEADLY OR DANGEROUS WEAPONS.

AN ORDINANCE.

In relation to carrying deadly or dangerous weapons.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person to carry about his person, in said city, or within one mile thereof, any revolver or other pistol, dirk, bowie knife, razor, slung shot, billy, metallic or other false knuckles, or any other deadly or dangerous weapon of like kind or character; and that it shall be likewise unlawful for any person in said city to 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.

SEC. 2. Any person offending against any provisions of the preceding section shall be fined not less than five, nor more than fifty dollars, with costs.

SEC. 3. This ordinance shall be construed as adopting the exceptions set out in sec. 7, chapter 148, of the Code of West Virginia, as amended in 1882.

FIRE ARMS.

AN ORDINANCE

To prevent accident from the discharge of cannon and other fire arms in the city of Charleston.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That if any person or persons, (excepting persons discharging cannon or fire arms on holidays or in some public display or commemoration of some extraordinary event, and persons lawfully in military array,) shall hereafter discharge any cannon, carronade, blunderbuss, swivel, musket, fowling piece, rifle, pistol or other fire arms, within the limits of said city, or if any person (excepting the occasions aforesaid) shall hereafter fire any squib or squibs, crackers or other fire works of any description whatever, in any of the streets, alleys or in any other public place within the limits of said city, or from without into the same, every person so offending shall for every such offence, on conviction thereof, be fined and pay any sum not exceeding five dollars nor less than one dollar, with costs.

SEC. 2. That it shall be unlawful for any person to carry a loaded gun or pistol through any of the public thoroughfares of the city; and any person so offending shall, upon conviction thereof, be fined in a sum not to exceed ten dollars, with costs.

SEC. 3. It shall not be unlawful, however, for any person to shoot a pistol, rifle a other gun in a shooting gallery in said city regularly licensed by the city.

RUBBER SLINGS, &c.

AN ORDINANCE.

Prohibiting use of rubber slings, &c.

Be it ordained by the Common Council of the City of Charleston, That it shall be unlawful for any person to shoot with any rubber sling or cap-gun, or cartridge gun or pistol within the corporate limits of the city, or from without and into the said limits, except it be in a shooting gallery licensed by the city. Any person violating this ordinance, shall upon conviction thereof, be fined not less than one dollar, nor more than five dollars, with costs.

GUNPOWDER, &c.

AN ORDINANCE

Regulating the keeping of gunpowder and other combustibles in or near the corporate limits.

WHEREAS, The twenty-first section of the charter of the City of Charleston, as amended by the Legislature of West Virginia in 1875, grants to the Common Council of said city the right "to regulate the keeping of gunpowder and other combustibles," and

WHEREAS, The concluding clause of said section declares that for all the rights and powers therein enumerated, except that of taxation, "the Council shall have jurisdiction for one mile beyond the corporate limits of said city;" therefore,

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person to keep nitro-glycerine, giant powder or dynamite within the city limits, or within one mile thereof.

SEC. 2. It shall be unlawful for any person to keep at any one place, either within the city limits or within one mile of the same, more than fifty pounds of gunpowder and fifty pounds of blasting powder, except by permission granted, and under regulations prescribed by the Common Council, such permission and regulations being specifically entered on the records of the city.

SEC. 3. Every person keeping nitro-glycerine, dynamite, gunpowder, giant powder or blasting powder within the limits of the

city, or within one mile thereof, contrary to provisions of this ordinance, shall, upon conviction thereof, be fined not to exceed two hundred dollars, with costs, and shall, moreover, be liable to a like penalty for every day said nitro-glycerine, dynamite, gunpowder, giant powder or blasting powder shall be so kept after having been notified by the Mayor to remove the same.

CITY BOARD OF HEALTH.

AN ORDINANCE

Providing for the appointment of a Board of Health, and prescribing the duties thereof.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be the duty of the Mayor, in each year, as soon as practicable after the election and qualification of the members of the Council elected at the annual election of said Council, to appoint a physician for each ward, who, together, shall be known and designated as the "Board of Health for the City of Charleston," and whose term of office shall extend for one year, or until their successors are appointed and qualified. It shall be the duty of the Street Commissioner, after being qualified, to make frequent and close inspection of the city during the warm season, and at any other time he may deem it necessary, noting everything which is, or may become prejudicial to health, and for this purpose he is authorized from time to time, between sunrise and sunset, to enter into and examine any building, lot of ground, yard, cellar or other place which he may know or reasonably believe to be foul, damp or otherwise prejudicial to health, and direct and enforce any and all measures necessary for effectually cleansing or disinfecting the same, and to notify the owner or occupant of the premises where such cause exists, to remove or abate the same in a reasonable time, and in such manner as he shall direct. And if his directions be not complied with at the expiration of the time specified, he shall request the member of the Board of Health of the ward in which said actual or probable cause of sickness exists, to visit the spot together with him and make an examination thereof; and if said member of said board shall concur with the Street Commissioner in the opinion that there is on the premises anything actually or liable to become prejudicial to health, then said Street Commissioner shall remove or abate the same as a nuisance, and shall moreover, report the same to the Mayor as such, who shall summon the offending party to appear and answer the charge, and if convicted, said party shall be fined in a sum not exceeding fifty dollars, with costs of prosecution and the costs of the abatement.

SEC. 2. It shall be the duty of the several members of the Board of Health, each for the ward for which he is appointed, to accompany the Street Commissioner when so requested by him, and to make with him an examination of anything believed to be prejudicial to the health of the public; and it shall be the duty of said member of the Board of Health to give to the Street Commissioner all needed advice as to the performance of the duties imposed upon said Street Commissioner by this ordinance. Whenever any member of the Board of Health shall suspect or have reason to believe that there exists within the Ward for which he is appointed any cause that is, or may become prejudicial to health, it shall be the duty of said member of the Board of Health to examine into the same; and if, in his opinion, the circumstances justify so doing, he shall order the Street Commissioner to give to the owner or occupant of the property whereon such cause exists, such notice as is set forth in the preceding section; and in case of failure on the part of said owner or occupant to comply with said notice, the duty of said Street Commissioner and the consequent liability of said owner or said occupant to fine and costs of prosecution and abatement shall be the same as set forth in said preceding section of this ordinance. When in doubt as to the sanitary condition of any locality, it shall be the duty of the Street commissioner to request the member of the Board of Health for the ward in which the same is situated, to examine the subject, and the said Commissioner shall be governed by the directions of the physician. The member of the Board of Health for the several wards shall have all the rights and powers of entry into and examination of premises as are set forth in the preceding section. Said members shall have authority to inspect and consult together as to any buildings, lots, drains or premises, or other matters of doubtful sanitary condition.

SEC. 3. The said Board of Health, or any member thereof, is authorized to order the removal of any goods or merchandise, in his or their opinion, liable to communicate any contagious disorder; or any decaying animal or vegetable substance, or any stagnant water; or to order the abatement of any nuisance occasioned by any privy, hog-sty, or other building or enclosure whatever, and to order the removal of any boat or water-craft which has on board any person infected by or having any malignant or contagious disease; and it is the duty of the said Board of Health, as well as of every member thereof, particularly to notice any infringement of the ordinances to secure the health of the city and to provide for the abatement and removal of nuisances, and report the same to the Mayor; and in case the nuisance is of such a character as to be in the opinion of said member or said board, immediately dangerous to health, the Mayor shall immediately cause the same to be removed or abated.

SEC. 4. The said Board of Health, or any member thereof, is invested with all the right and power, and it is made his duty when informed, or upon reasonable belief from the prevalence thereof or other cause, that any contagious or infectious disease exists on board of any steamboat, flatboat, raft or other water craft arriving at or near the city, to prohibit such boat or craft from landing at, or putting any person off, or delivering any goods, wares or merchandise, or other property, at any landing or other place within the corporate limits of the city until such boat or craft shall have been first examined by the said Board of Health, or some member thereof, and shall have obtained a certificate that no contagious, malignant or infectious disease, or dead body, goods, or other articles infected therewith exists on board of such boat or craft.

SEC. 5. The said Board of Health, or the members thereof, respectively, shall, from time to time, report to the Council their doings under this ordinance. Said board shall take the general care and supervision of the sanitary condition of the city. It shall be their duty to concert and report to the Council such measures as may tend to the preservation of the health of the city, particularly in reference to the drainage of stagnant pools, and the prevention or arresting of endemic or epidemic diseases.

SEC. 6. The City Board of Health herein provided for shall be auxiliary to, and act in harmony with the State Board of Health, as contemplated in section 6, chapter 150 of the Code of West Virginia, as amended.

SEC. 7. The members of the Board of Health shall serve without compensation; except that, in case the city be visited by epidemic, or under other unusual circumstances, entailing on the members of the Board unusual and protracted labors, under the requirements of this ordinance, the Council may make to them such compensation as the Council may deem fit.

NUISANCES.

AN ORDINANCE

To protect the citizens of Charleston from nuisances affecting health or comfort.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person to throw out, or permit to be thrown out on, or to expose, or permit to be exposed in, any street, alley, public place or lot of ground in said city, any kitchen slops or other matter from kitchens or other places, any dead animal, putrid substance, ordure from privies, manure from stables or hog-pens, offal or refuse matter from manufactories, slaughter houses, meat shops, or work shops, or any gar-

bage, or any substance whatever, either animal or vegetable, solid or liquid, which is or may become offensive to the public.

SEC. 2. It shall be unlawful for any person in said city to suffer any privy, water closet, hog-pen or other part of his premises to get into a condition which is offensive to the neighbors, or to the general public.

SEC. 3. It shall be unlawful for any person to dump ordure, garbage, or other offensive matter, or the carcass, or any part of the carcass, of any dead animal along the bank of either the Kana-wha or Elk rivers, or into said rivers, or either of them, or near to any road leading out of said city, and the prohibitions in this section contained, shall extend to cases where the place where the said dumping is done is either within said city, or within one mile thereof; and all the provisions of this ordinance shall apply to the insufficient burying of anything the dumping of which is in this section prohibited.

SEC. 4. It shall be unlawful for any person having, or infected with, any contagious disease, to appear on the streets or in other public places in said city; for any person to burn within, or within one mile of said city, any clothing, bedding or other article infected with small-pox, yellow fever, scarlet fever, or cholera; for any captain or owner of any steamboat or other water craft or raft, or for any conductor of any railroad train or car, or for any other person thereon or therewith connected, to land, put off or discharge, or cause or suffer to be landed, put off or discharged, at any landing or wharf in said city, or on the shore of the river within said city, or at any depot or other place on any railroad within said city, any person having cholera, small-pox or other contagious or infectious disease, or the corpse of any person who may have died therefrom, or any goods, bedding or other articles infected with any contagious or infectious disease, without permission of the Mayor or Board of Health.

SEC. 5. It shall be unlawful for any person within said city to receive from such boat, craft or raft, or from such train or car, for burial or otherwise, the corpse of any person who has died of any of the diseases mentioned in the preceding section, or any bedding, clothing, goods or other articles infected with such diseases, or to receive any person who may at the time be sick with any such disease, without permission of the Mayor or Board of Health.

SEC. 6. Any person offending against any provision of the first, second or third sections of this ordinance, shall be fined not less than two, nor more than fifty dollars, with costs, with a like penalty for every day that the nuisance for which the fine was imposed continues to be unabated. Any person offending against any provision of the fourth or fifth sections of this ordinance shall be fined not less than ten nor more than one hundred dollars, with costs.

ABATEMENT OF NUISANCES.

AN ORDINANCE.

Relating to the abatement of nuisances by action of Council.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston*: That whenever there shall appear to exist in said city any nuisance prejudicial to the health, lives, property or general convenience of the general public, the Council may take the action set forth in the succeeding sections of this ordinance.

SEC. 2. The matter may be brought to the attention of the Council by report of its own officers or committees, or, by any citizen if fortified by affidavit of said citizen to the effect that the matter complained of is, in fact and in law, a general nuisance. The matter complained of may be by the Council referred to a special committee for investigation and report. The Council may examine witnesses, under oath, in relation to the alleged nuisance; the evidence so taken to be in writing and preserved among the records of the Council.

SEC. 3. If the matter complained of appear to the Council to be a nuisance, but such a nuisance as does not require immediate abatement, the Council shall direct the City Solicitor to take steps to procure an indictment in the Circuit Court of Kanawha county against the owners of the property alleged to be a common nuisance or the parties causing such nuisance.

SEC. 4. If, in the opinion of a majority of the whole Common Council, the matter complained of be a nuisance, and such a nuisance as requires immediate abatement, said Council may cause the same to be abated, and the cost thereof shall be a lien upon the property upon which the said nuisance so abated exists. If the Council be of opinion that it may be safely done, notice may be given by the Mayor to the parties owning said property that the Council have declared the matter complained of to be a nuisance and order the same to be abated in a reasonable time. It shall be the duty of the Mayor to give such notice in writing and make due return of the service thereof to the Council, which notice and return shall be entered of record in the journal of the Council.

 SLAUGHTERING ANIMALS, &c.

AN ORDINANCE

Prohibiting the slaughtering of animals, burning of offal, or rendering tallow or lard within the corporate limits, except during certain months.

SEC. 1. *Be it Ordained by the Common Council of the City of Charleston*, That it shall be unlawful for any butcher or other person to slaughter any beef cattle, calves, sheep or hogs, to burn any offal,

or to render tallow or lard within the corporate limits of the city, except during the months of December, January and February.

SEC. 2. Any person violating the foregoing section shall be fined not less than ten dollars, nor more than fifty dollars, with costs.

PRIVIES, HOG-STIES, &c.

AN ORDINANCE

In relation to privies, hog-sties, &c.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for the owner or occupant of any lot or premises within the corporate limits of said city, to erect any privy, hog-sty, stable or other out-house upon any branch, drain or ditch running through said lot or premises.

SEC. 2. For every violation of this ordinance, upon conviction thereof, the person so offending shall be liable to a fine not to exceed twenty-five dollars, with costs.

PRIVY VAULTS.

AN ORDINANCE

Prohibiting the construction of vaults in connection with privies.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful to construct vaults in connection with privies within the city, provided said vaults are dug so deep as to reach the sand.

Any person violating this ordinance shall be fined not less than one nor more than ten dollars, with costs, and an additional fine of five dollars per day for every day such vault continues unfilled after notice by the Mayor to fill the same.

PERMANENT PAVEMENTS.

AN ORDINANCE

Providing for the permanent improvement and maintenance of streets and sidewalks in the City of Charleston.

WHEREAS, The twenty-first section of the Charter of the City of Charleston, as amended in 1875, provides, among other things, that the Council of said city shall have power to open new streets, and extend, straighten, widen and repair old streets and alleys, to curb and pave streets, sidewalks and gutters for public use, and to

alter, improve and light the same ; and shall assess upon, and collect from the property benefited thereby, such part of the expense thereof as shall be deemed equitable and just by said Council, with power likewise to order and direct the curbing and paving of all sidewalks and footways for public use in said city, to be done and kept in good order by the owners or occupants of the adjacent property. Now therefore

SEC. 1. *Be it ordained by the Common Council of the City of Charleston, That whenever the Council shall deem it expedient to cause any street, or any part thereof, to be permanently paved with brick or stone, the same shall be done in the following manner ; that is to say :*

First. The Council shall, by ordinance, determine what street, and how much of the same, shall be so paved, and the character of the pavement ; after which said Council may proceed to let the paving of the same, and if necessary, the laying of any necessary curbs retaining walls and sidewalks. Or, said Council may require said sidewalks to be laid by the owners of properties adjacent to said street ; and if the sidewalks be not so laid as required, the Council may cause the same to be laid at the expense of said owners. Said ordinance shall recite the condition that such permanent pavement shall not be laid unless and until fifty per cent of the entire estimated cost thereof shall be paid by the adjacent property owners ; nor shall said pavement be commenced until such payment be actually made to the Treasurer.

Second. Said street, or part thereof, shall be graded at the expense of the city.

Third. Where curbing has not been already laid, necessary curbing is to be furnished and set by the city, and at its expense. But if the curbing has been already laid, the relaying or renewing of the same is to be done at the expense of the owner of the adjacent property.

Fourth. In all cases, all expenses connected with the grading, laying or relaying of sidewalks is to be at the expense of the adjacent property owner.

Fifth. One-third of the cost of paving any roadway of any street or portion thereof, shall be assessed against the owners of the respective properties adjacent to said street, apportioned according to the frontage of said properties on such street, except as provided in the next clause.

Sixth. Where private property is on but one side of any portion of any street, the roadway of which portion is to be paved, the owners of properties adjacent thereto shall be assessed with one-half the costs of the paving of such roadway.

Seventh. When any roadway is to be paved as contemplated in this ordinance, the costs of curbing (except when no curb has ever before been set), and the costs of sidewalks shall be assessed

entirely to the owners of the adjacent properties, apportioned according to the respective frontage of the several properties.

Eighth. All assessments herein provided for shall constitute a lien upon the real estate upon the owners of which said assessments are made, as provided by statute.

SEC. 2. The Council may cause a line of curbing to be set along any street, or portion thereof. If curbing has already been laid along any portion of said line, the cost of renewing the same shall be borne by the owners of the adjacent property; otherwise, by the city.

When said curbing has been so set, it shall be the duty of the property owners adjacent thereto to grade and pave, with suitable paving brick or flagstones, the sidewalks. And when said sidewalk is to be crossed by vehicles, the bricks or stones along the section so crossed shall be laid on their edges. And such section shall be so laid, whether the sidewalk is being originally laid, or only re-laid. Said sidewalks shall have a slope across their width to the curb of not more than one-half inch to the foot, nor less than one-fourth inch to the foot, as the Council may direct. The Council shall notify and require said owners so to pave the sidewalks in front of their several properties; which shall be done in writing. Said notice shall be served upon the owner of the property, if found; and if said owner be not found in the city, said notice shall be posted on the property. In all cases, due return shall be made to the Mayor by the officer serving the notice, setting forth the fact, date, and manner of serving the same; which return shall by the Mayor be reported to the Council. Said notice shall require the party owning the property adjacent to the said sidewalk to pave the same, in accordance with the ordinances and orders of the Council, within thirty days from the service thereof.

If at the expiration of said thirty days, any of said owners have failed to lay the sidewalk in front of their several properties as required, the Council shall proceed to lay the same, and shall assess upon the said owners the cost thereof.

SEC. 3. It shall be the duty of all property owners along any paved street or paved sidewalk to maintain the same at their own expense. The Street Committee shall call the attention of any property owner to any needed repairs in the sidewalk or curb in front of his said property. In regard to the maintenance of any paved street or paved sidewalk, notice may be given as in the preceding section, and any failure to comply with such notice shall be followed by the same action and liabilities as are set out therein.

All of the assessments in this section provided to be made upon the owners of property, shall constitute a lien upon said property, as provided by statute.

SEC. 4. All assessments herein provided for shall be promptly placed in the hands of the City Sergeant for collection, who shall

at once collect the same. The liens herein provided for may be enforced as provided in the 28th section of the Amended Charter of said city, as amended in 1875.

STREETS, ALLEYS, SIDEWALKS, &c.—OFFENCES RELATING THERETO.

AN ORDINANCE.

Concerning offences relating to streets, alleys, sidewalks, &c.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful, without express permission of the Council, for any person to dig in, or in any manner to break up any of the streets, public alleys or public landing in said city, or to raise, break up or otherwise injure or disturb any part of any sidewalk, curbstone, culvert, catch-basin, pipe drain, crossing, plank walk or pavement therein; any person maliciously or unlawfully so doing shall be fined not less than one, nor more than fifty dollars, with costs.

SEC. 2. It shall be unlawful for any person to obstruct or befoul, by emptying ashes, garbage, or in any other manner, any street, public alley or public landing, any sidewalk, or gutter of any street, public alley or public landing in said city, so as to prevent the free passage of pedestrians or vehicles, or to obstruct the flow of water, or to render the same filthy or obnoxious; and any person so offending shall be fined, for each offence, not less than one, nor more than ten dollars, with costs.

SEC. 3. It shall be unlawful for any person, without express permission of the Council, to dig into or remove the bricks from, or cut or saw the boards of any paved roadway in said city, for the purpose of laying gas or water mains or service pipes, or pipe drains. When such work is permitted by Council, it shall be done under the supervision of the Street Committee or Mayor, who shall see that the same is done in such manner as not to injure the said roadway, and particularly that the earth is properly tamped in the trench or other opening made. It shall be unlawful for any person to dump upon said paved roadway any heavy stone or other heavy weight. Any person offending against any provision of this section shall be fined not less than five, nor more than fifty dollars, with costs.

SEC. 4. That it shall be unlawful for any person to drive any vehicle or to ride, drive or lead any horse, mare, gelding, mule or jack, or to drive or lead any bull, cow, ox or steer along any sidewalk in said city; and any person so offending on conviction thereof shall be fined any sum not exceeding ten dollars nor less than one dollar for each offence, with costs.

SEC. 5. That it shall be unlawful for any person or persons

owning a cow, horse or mule, to hitch such animal on, or to suffer any such animal to lie on, feed on or befoul any sidewalk in said city; and any person so offending on conviction thereof shall be fined any sum not exceeding five dollars, nor less than one dollar, for each offence, with costs.

SEC. 6. That it shall be unlawful for any person to encumber or obstruct a free passage along any sidewalk in said city by placing barrels, boxes, cases, kegs, crates, castings, lumber or any article thereon, other than in the immediate act of receiving or discharging coal, freights or goods to and from buildings; and any person so offending on conviction thereof shall be fined and pay any sum not exceeding ten dollars, nor less than one dollar, for each offence, with costs.

SEC. 7. That it shall be unlawful for any minor or adult person or persons to play at marbles, pitch quoits, play shinny or engage in any other play or sport on any sidewalk within said city, tending to obstruct a passage along the same; and any minor or adult person so offending shall be fined in any sum not exceeding ten dollars, nor less than one dollar, for each offence, with costs.

SEC. 8. That it shall be unlawful for any person to place any sign, wooden awning or other obstruction of like nature across any sidewalk, or to place any post in same or to erect any balcony projecting into or over the sidewalk from any house; and for every such offence, the person so convicted shall be fined in a sum not less than one nor more than twenty dollars, with costs; and upon failure to remove the said obstruction, after having been properly notified so to do by the city authorities, the party so offending shall be fined and pay five dollars for each and every day the same shall remain. *Provided*, however, suspended awnings, with iron frames, and hitching posts may be erected by permission of Council.

SEC. 9. That if any person shall in any street, lane, alley, public square, public landing or commons in said city, run or race any horse or other animal, or start the same for racing within the city of Charleston, or if any owner or keeper of such horse or other animal shall permit any act aforesaid to be done in the said places within said city, any person so offending, on conviction thereof before the Mayor, shall, for every such offence, pay a fine of not more than fifty dollars, nor less than three dollars, with costs; and the Mayor shall commit such offender to prison until such fine and costs are paid.

SEC. 10. If any person shall ride, drive, or lead any horse, mare, gelding or other animal, at an immoderate rate, or in a careless manner, in any street, lane, alley, public landing or commons, or while turning round a corner at the intersection of streets, lanes or alleys in said city, or if any person shall drive, or cause to be driven, any carriage, wagon, dray or other vehicle drawn by any

animal or animals, in any street, lane, alley, public landing or commons in said city, at an immoderate rate, or in a careless manner, every person so offending, on conviction thereof before the Mayor, shall, for every such offence, be fined in any sum not exceeding fifty dollars, nor less than one dollar, with costs, and shall be committed to prison until such fine and costs are paid.

SEC. 11. That it shall be unlawful for any one, owning or occupying any cellar, or area opening, or coal vault, in any street or public alley, to erect any railing around the same, or to keep the same without doors or iron grating over said cellar, or area opening, level with the street or sidewalk; and any person so offending shall, upon conviction, be fined in a sum not exceeding ten dollars, with costs.

SEC. 12. That if any person or persons, owning or occupying any cellar, area or coal vault, the door of which may be in any street, lane or public alley, or on any sidewalk within the said city, shall cause or allow such cellar door to be kept or remain open at any time between twilight in the evening and daylight in the morning, without, at the time, having a light in such cellar-way, or cause or allow the same to stand open in the day time except when the cellar way, coal vault opening, or area way is in actual use, every person so offending, on conviction thereof, shall, for every such offence, be fined and pay any sum not exceeding ten dollars, with costs.

SEC. 13. It shall be unlawful for any person to suffer any wagon, dray, water cart, carriage or other vehicle, without horses attached, to stand upon any street or public alley of the city, in the night time or on Sunday. Any person violating this section shall be fined not less than one, nor more than twenty dollars, with costs.

SEC. 14. That it shall be unlawful for any person to feed any cow or cows, or other cattle on the streets or sidewalks at any time, or permit them to remain in the streets, or lie or stand upon the sidewalks between sunset and sunrise, or permit any cow to wear a bell; and any person so offending shall be liable to a fine of one dollar for each offence, with costs.

SEC. 15. Whenever any wagon, cart or other vehicle shall be driven across any curbstone without an apron or bridge leading from the street, over the gutter, to the top of the curbstone, the driver shall be fined not less than one, nor more than ten dollars, with costs.

SEC. 16. It shall be unlawful for any person to throw out or dump upon any sidewalk within the city, any banana skin, apple peel, orange peel, melon rind or melon seeds, or the peel, rind or skin of any fruit or vegetable; and any one offending against any provision of this section shall be fined not less than one, nor more than ten dollars, with costs.

SEC. 17. It shall be the duty of every owner or occupant of pro-

perty adjacent to any paved sidewalk in said city to clean or cause the same to be cleaned in front of so much of the property owned or occupied by him as abuts upon said sidewalk; and this cleaning shall be done once a week. It shall also be the duty of every such owner or occupant within twenty-four hours after the fall of any snow, to remove or clear away, or cause to be removed or cleared away the same from the said sidewalk in front of so much of the property owned or occupied by him as abuts upon said paved sidewalk. Any person violating any provision of this section shall be fined not less than one, nor more than ten dollars, with costs.

SEC. 18. It shall be unlawful for any person to cause any horse, or other animal, or any wagon, dray, carriage or other vehicle to stand on or across any street crossing in said city; it shall likewise be unlawful for any crowd of persons to loaf or gather upon any street, about any corner, or elsewhere, so as to obstruct the free passage of pedestrians, teams or horses. Every person offending against any provision of this section shall be fined not less than one, nor more than ten dollars, with costs.

EXCAVATING EARTH.

AN ORDINANCE.

Requiring barriers to be erected around excavations.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be the duty of every person engaged, and of the employer of every person engaged, in excavating earth in any of the streets, lanes or alleys, or in any lot bordering on any sidewalk, to have the sides of the excavations or embankment so made, protected without delay by suitable barriers against accidents or injury to persons or animals passing near the same, as well as lighted with suitable lights at night; and on failure to erect such barriers and light such lights as aforesaid, every person so offending, or his employer, shall on conviction thereof, be fined and pay for every such offence, and every day's continuance of the same, not to exceed twenty-five dollars, with costs of prosecution.

LAYING GAS PIPES, &c.

AN ORDINANCE

In regard to the laying of gas mains and service pipes.

[Adopted May 4, 1883.]

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the ordinance passed May 27th, 1870, in regard to the

Gas Company, be modified so as to require that the laying of gas mains, service pipes and the erection of gas lamp posts by said company be done under the control and supervision of, and under the regulations prescribed by the Mayor and Street Committee.

SEC. 2. That the laying of gas pipes without the permission of, or in disobedience to the regulations imposed by the Mayor and Street Committee, shall be deemed unlawful, and the party offending shall be liable to a fine of not less than ten dollars, nor more than fifty dollars, with costs.

BUILDING GRADES.

AN ORDINANCE.

In regard to building grades.

Be it ordained by the Common Council of the City of Charleston, That in cases where parties desire to build to the established grade of any street, it shall be their duty to obtain the correct grade, as prescribed by ordinance, from the City Engineer, whose duty it shall be to furnish such grade upon the receipt from said parties of the sum of two dollars in each case.

BARBED WIRE FENCES.

AN ORDINANCE

Prohibiting the use of barbed wire fence along street and alley lines.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person to erect or have erected, or to suffer to remain, along the street or alley line of any lot of ground in said city, any fence constituted wholly or in part of barbed wire; and any person offending against this ordinance shall be fined not less than one, nor more than twenty dollars, with costs, for each offence. And if any such person suffer any such fence to remain as aforesaid after being notified by the Mayor to remove the same, such person shall be subject to fine in like penalties for each day said fence so remains.

DRAINS, BRANCHES AND DITCHES.

AN ORDINANCE

Forbidding obstructions of drains, branches and ditches, and prescribing how the same are to be opened, cleaned, &c.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for the owner or occupant of any

lot or lots within said city, to stop up or obstruct, or allow to become stopped up or obstructed any drain, branch or ditch running through said lot or lots, so as to obstruct or prevent the free and natural flow of water through the same; and every person so offending shall be fined not less than one dollar nor more than ten dollars, with costs, for each day that he shall permit such obstruction to remain after having been notified by the Mayor to remove the same.

SEC. 2. Upon complaint made to the Council by any city officer, or by any person interested, that the drain, branch or ditch running through any lot or lots within said city needs to be opened, widened, deepened, repaired or cleaned, the Council shall, if they deem the work necessary to be done, notify the owners or occupants of said lot or lots, to open, widen, deepen, repair or clean such drain, branch or ditch within a reasonable time, to be prescribed by the Council. This notice shall be served, and the return thereon made and reported as provided in the ordinance providing for the permanent pavement and maintenance of streets and sidewalks.

SEC. 3. Upon the failure or refusal of any of said owners or occupants to have such work done as, and within the time prescribed by, the Council, the Council shall cause said work to be done at the expense of such owners of said lots as so fail or refuse to comply with the notice aforesaid. The actual expense incurred by the city in opening, widening, deepening, repairing or cleaning so much of such drain, branch or ditch as passes through the same, shall be assessed upon the owner or owners of said lot and the same shall be a lien thereon, to be enforced as provided in section 28 of the Charter of said city, as amended in 1875.

FIRE LIMITS.

AN ORDINANCE.

Defining the fire limits and prescribing the character of buildings to be erected therein.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the fire limits of the City of Charleston shall embrace the territory bounded as follows: Beginning at low water mark on Kanawha river, at the foot of Broad street, on the lower side thereof, and running thence to Lee street; thence down Lee street to a point one hundred and fifty feet east of Capitol street; thence by a line parallel with, and one hundred and fifty feet distant from Capitol street to Donnally street; thence down Donnally street to a point one hundred and fifty feet west of Capitol street; thence by a line parallel with, and one hundred and fifty feet dis-

tant from Capitol street to State street; thence down State street to Court; thence with Court street southward to the Truslow drain; thence with said drain to Kanawha river at low water mark, and thence with Kanawha river, at low water mark, to the place of beginning.

SEC. 2. It shall be unlawful to erect any new building or to make any extension of an old one within said fire limits unless the same be built of either brick, stone, concrete, or iron, with fire-proof roof. If said building or extension be of wood, covered or sided with sheet iron, or tin, the same shall be equally unlawful.

SEC. 3. *Provided*, however, the building of coal houses and privies within said limits, of material other than brick, stone, concrete or iron, shall not be held to be unlawful, if they be in good faith, used for these purposes. And, *provided*, further, that there may be built within said limits out-buildings, other than coal houses and privies, provided they do not exceed in outer dimensions ten feet by fifteen feet; and that they be covered with tin or sheet iron nailed on studding; and that they be built not closer to the adjacent street or premises than ten feet, unless, in the latter case, the owners of said adjacent premises consent that the distance herein prescribed may be less.

SEC. 4. It shall be unlawful for any person to move, or cause to be moved, into the fire limits, from any point outside thereof, any building, the erection of which is made unlawful by the second section of this ordinance; or to move, or cause to be moved, any such building from one point within said limits to another point therein, unless upon a special permit of the Council, based upon a written report of the Fire Committee, stating that they, the said committee, have examined into the circumstances, and are of the opinion that the danger of originating or extending a fire will not be increased in consequence of said building being so moved.

SEC. 5. If any person violate any of the provisions of this ordinance, he shall be fined not less than ten, nor more than one hundred dollars, with costs. And the Mayor may order any party to desist from building in violation of this ordinance, or from moving a building in violation thereof, and if said party do not so desist, he shall be liable to like fine and costs. And the Mayor may order any party to tear down or remove any building or extension which has been erected or moved in violation of this ordinance, and if said party fail or refuse to obey such order, he shall be liable to a fine of ten dollars per day for every day that he so fails or refuses.

BUILDING PERMITS.

AN ORDINANCE

Relating to building permits.

SEC. 1. *Be it ordained by the Common Council of the City of Charles-*

ton, That it shall be unlawful for any person to build any new house, stable, shop or other building within said city without first obtaining a building permit from the Common Council; and any person violating this section shall be fined not less than five, nor more than fifty dollars, with costs; with an additional fine, to be imposed in the discretion of the Mayor, of five dollars per day for every day said building continues unremoved after said person has been ordered by the Mayor to remove the same; which fines shall be independent of, and additional to, the fines imposed for building in violation of the ordinance defining the fire limits and prescribing the character of buildings to be erected therein.

SEC. 2. All building permits granted by the Council shall be on the written petition of the applicant, which petition shall state, specifically, the location, dimensions, character, use and material of the building; and the permit granted shall be made a matter of record. Nor shall the Council grant any permit to erect any building for public resort or occupancy unless they be satisfied that the same shall furnish ample facilities for escape therefrom in cases of fire or panic.

TO PREVENT FIRES.

AN ORDINANCE

Prescribing regulations for preventing fires.

GUARDS TO STOVES AND PIPES.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be the duty of all persons using a tight stove or stoves, in any house, store, shop or other building within said city, to have a platform of stone, brick, sheet-iron, zinc or earth under said stove or stoves, extending at least six inches in every direction beyond that part of the lower plate that fronts the door of said stoves; and that all stove pipes, at their intersection with any floor, partition, roof or side of a house through which they pass, shall be made to pass through a crock or other safe substance, or if through a window it shall be inclosed with tin, zinc or other metallic substance, and if through the side of a house it shall be capped with a cross pipe, nor shall any stove pipe, in any case, pass nearer to any wood, or other combustible material than four inches; and any person offending against the provisions of this section, shall for each offence be fined any sum not exceeding twenty dollars nor less than one dollar, with costs.

DEPOSITING ASHES, ETC.

SEC. 2. That it shall be unlawful for any person, being the occupant or having the care or control of any store, dwelling house,

cellar or other building, or any part thereof, within said city, or for any other person to keep, place or permit to be kept or placed in any such store, dwelling house, cellar or other building, any ashes or other article from which fire may originate, unless the same be placed in an iron, zinc, earthen, stone or other incombustible vessel; and any person offending against the provisions of this section shall be fined any sum not exceeding twenty dollars nor less than one dollar, with costs.

BURNING SHAVINGS, ETC.

SEC. 3. That it shall be unlawful for any person to set fire to shavings, straw or other combustible material, in any of the streets, lanes, alleys, public square or lots within said city, unless the same be consumed under the personal superintendence of the person depositing the same or causing the same to be deposited, at a distance greater than forty-five feet from any building, under a penalty of not less than one dollar nor more than twenty dollars, with costs.

BURNING OUT CHIMNEYS.

SEC. 4. That no person or persons shall set or put fire in their chimneys or flues, for the purpose of cleansing the same, except in the day-time, nor then unless it is raining or snow is on the roofs of the houses, under the penalty of not less than two nor more than twenty-five dollars for every such offence, with costs.

LIGHTS IN STABLES.

SEC. 5. That it shall be unlawful for the owner or occupant of any livery stable or other stable within said city, or other person in their employ or under their control, to use in any such stable any lighted candle or other light, except the same be secured within a tin, horn, metallic or glass lantern; and any person offending against the provisions of this section shall be fined any sum not less than one, nor more than ten dollars for each offence, with costs.

THROWING ROCKETS.

SEC. 6. That it shall be unlawful for any person or persons to throw, cast or fire any rocket, in any part of this city, exceeding one pound weight, stick included; and any person offending against this section shall be fined for every such offence not more than ten dollars nor less than one, with costs.

BALLOONS INFLATED WITH SPIRITS.

SEC. 7. That no person or persons shall cause any balloon to ascend from any part of this city, which shall be inflated or kept

up by turpentine, spirits of wine, or any other means than gas, under a penalty of not less than one nor more than ten dollars, with costs.

COMBUSTIBLE MATERIAL.

SEC. 8. That no person shall deposit in any street, alley or any other public place in said city, straw, hay, fodder, shavings or other combustible material; any person so offending shall, upon conviction thereof, be fined not less than one nor more than ten dollars, with costs.

FIRE MARSHAL AND ASSISTANT.

AN ORDINANCE

To create the office of Fire Marshal and Assistant Fire Marshal of the city of Charleston, and to re-organize the Fire Department of said city.

[Adopted April 24, 1885.]

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That there are hereby created the offices of Fire Marshal and Assistant Fire Marshal of the city of Charleston. Said officers shall be elected on the — day of — 1886, and every two years thereafter by the City Council, and shall hold their respective offices until their successors are elected as aforesaid.

SEC. 2. The Fire Marshal, and in his absence, the Assistant Marshal, shall have general care and supervision, subject, however, to the supervision of the Fire Committee of the Council, of the Fire Department, and all the engines, hose, apparatus, cisterns, wells, employes and companies belonging thereto, and shall visit the engine house not less than twice a week, making careful inspection of all hose and apparatus, which he shall have dried and run off and inspected as often as he may deem necessary, and he shall, as often as may be necessary, make a personal inspection of each and every cistern and well belonging to the city, and shall report to said Fire Committee all needed repairs. He shall see that all ordinances for the government of the Fire Department are strictly enforced and obeyed, and that all companies are properly regulated and disciplined. He shall examine into the condition of all the engines, hose, fire apparatus, the engine houses, and the public cisterns, and shall see that the same are at all times in good order and repair, and ready for use. At the first regular meeting of each month, he shall report to the Council the condition of the Fire Department, with such recommendations as he shall deem proper; and at the end of the year shall make an annual report.

SEC. 3. At all fires, the Marshal, and in his absence, the Assist-

ant Marshal, shall have the full control and command over all the engines, hose and other apparatus, and of all the employes of the Department and companies attached thereto, and shall give such orders and adopt such measures as he shall deem necessary for the extinguishment of the fire, protection of persons and property and preservation of order; for which purpose he and the Assistant Marshal shall have all the powers of a city police officer, and may arrest, or cause to be arrested, all persons acting in a disorderly manner, or in any manner interfering with any of the employes, machines, hose, or interfering with the efforts of the officers, and employes in extinguishing the fire, as well as any persons caught stealing. He shall arrest any member or employe of the Fire Department who shall refuse to obey their orders. The city police, while at a fire, shall be subject to the order of said marshal and obey his orders.

SEC. 4. Upon the breaking out of a fire in the city, it shall be the duty of the Marshal and Assistant Marshal to repair to the place of the fire, wearing a proper badge of office, take charge of, and arrange the engines, hose and other apparatus in such manner as the Marshal may deem most advantageous for the extinguishment of the fire and protection of adjoining property. He shall call upon members of the Fire Department, and upon by-standers if necessary, to assist in extinguishing the fire, to remove goods and property and to perform such other services as he may deem necessary for subduing said fire and protecting property. He may appoint hands to protect goods removed, and to keep the streets adjoining the fire from being crowded or occupied by by-standers; for which purpose he or the assistant may call upon the city police to assist them. It shall be the duty of the firemen and other persons connected with the Fire Department to obey him or the Assistant Marshal.

SEC. 5. The volunteer Fire Department shall consist of not more than thirty men, who shall be selected as follows: ten men from each ward, to be chosen by ballot by the Marshal, the Assistant Marshal, the Mayor and the Fire Committee. The Mayor shall preside, and in his absence, the Chairman of the Fire Committee. Vacancies shall be filled in the same manner.

SEC. 6. The officers of said volunteer Fire Company shall be elected for one year, or until their successors are appointed, by the above members of the city government and the Fire Marshals. And they shall prescribe rules and regulations for said Fire Company and report the same to the Council.

SEC. 7. The Fire Marshal, and in his absence the Assistant Marshal, shall preside at all meetings of the Fire Department.

SEC. 8. In the absence of the Fire Marshal, the Assistant Marshal shall have all the duties and powers of that officer.

STEAM WHISTLING.

AN ORDINANCE

Regulating the blowing of steam whistles.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for the captain, pilot, master, owner of, or any person on board of, any steamboat or steam ferry boat, to sound, or cause to be sounded, any steam whistle thereon while moored at any point on either the Kanawha or Elk rivers, within the corporate limits of said city, or within one hundred yards of the same, except to make such signals as are required by the United States laws governing such steamboats.

SEC. 2. Any person violating any provision of this ordinance shall be fined not less than one, nor more than ten dollars, with costs.

THROWING CINDER INTO RIVER AT PUBLIC WHARF

AN ORDINANCE

Prohibiting steamers from throwing cinders, ashes or other material of like nature, into the Kanawha river at the public wharf landing of Charleston.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That it shall be unlawful for any person on any steamer to throw any cinders, ashes or other material of like nature therefrom into the Kanawha river at the public Wharf landing of Charleston.

SEC. 2. The master of any steamer from which such material is thrown, in violation of the provisions of this ordinance, shall be fined any sum not less than five dollars, nor more than twenty-five dollars, with costs.

WHARFAGE RATES.

AN ORDINANCE

Fixing wharfage rates for use of the city public wharf.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the City Sergeant, acting as wharfmaster of said city, shall collect of all water crafts using the city public wharf, the following charges :

Steamboats plying between Charleston and Cincinnati, or Charleston and Pittsburg, one dollar and fifty cents per week ; between Charleston and Gallipolis, three dollars per week ; daily

packets up the Kanawha, or between Charleston and any point short of Gallipolis, one dollar per week.

Every barge of coal, fifty cents for first three days, and twenty-five cents for every day thereafter.

Empty barges, or other boats, empty, one dollar per day.

BRICK YARDS.

AN ORDINANCE

To prohibit the extension of old brick yards and the opening of new ones, within the corporate limits.

[Adopted September 14, 1883.]

Be it ordained by the Common Council of the City of Charleston, That hereafter it shall be unlawful for any person or persons within said city, to open and work any new brick yard, or to extend any old one beyond the limits of the ground already owned by said person or persons. In cases where the provisions of this ordinance are being violated, the Mayor shall stop the working of such brick yard. And the person or persons so offending shall be fined not less than twenty-five dollars, nor more than one hundred dollars, and costs, for each offence.

PUBLIC POUND.

AN ORDINANCE

Providing a public pound, establishing the regulations thereof, and to prevent animals from running at large.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the enclosure attached to the City Hall be and is hereby, until otherwise ordained by the Council, constituted the public pound for the impounding of animals herein subject to be impounded. Said public pound shall be under the management of the city pound-master, who shall be annually chosen by the Common Council, and who shall before assuming his duties, take the oaths of office required by ordinance of all city officers, and give bond conditioned as required in the ordinance relating to official bonds, with security to be approved by the Council, in the penalty of one hundred dollars.

SEC. 2. It shall be unlawful for any person being the owner, or having charge of any bull, horse, gelding, mare, ass, mule, hog, roguish cow or goat, to allow the same to run at large in any of the streets, lanes, alleys or commons of said city, below the Elk and Piedmont roads. It shall be unlawful for any person being the

owner, or having charge of any cow, calf or ox to allow the same to run at large between sunset and sunrise in any of the streets, lanes, alleys or commons of said city below the Elk and Piedmont roads.

SEC. 3. Any one offending against any provision of the preceding section shall be fined, not to exceed five dollars, with costs.

SEC. 4. It shall be the duty of the poundmaster, on view or information, forthwith to take up all or any such animals running at large as aforesaid, and shut up the same in the public pound, there to be retained and fed until disposed of as hereinafter provided.

SEC. 5. The poundmaster, in case the owner, or person having charge of such animal thus impounded, shall be known to him, shall forthwith notify such owner, or such person, in writing, of the fact of such animal being so impounded; and in case such owner or such person is not known to the poundmaster, that officer shall forthwith post two notices describing the animal so impounded, and notifying the owner, or person having charge thereof, to come and claim the same, one of which notices shall be placed upon the public pound and one at the court house.

SEC. 6. In case the owner of any such animal, or person having charge thereof, shall not, within forty-eight hours after the giving or posting of said notice as aforesaid, appear and prove his right to such animal, the poundmaster shall make his return to the Mayor, setting forth the number and kind of animals taken up, time when taken, names of owner or persons having charge of such animals, if known, the fact of the giving or posting of notice as aforesaid, a copy of said notice, and that forty-eight hours have passed since such notice was given or posted, and that the animal or animals still remain in the pound unclaimed.

SEC. 7. The Mayor shall thereupon direct the Sergeant to advertise and sell said animals at public auction, after having given three days' notice of the time and place of sale, by posting up two notices, which shall be in the places required in the fifth section of this ordinance, and which sale shall be at the public pound. The Sergeant shall make full return to the Mayor of his proceedings in the premises, and shall pay all surplus moneys arising from said sales to the Treasurer, to the credit of the Contingent Fund, and take his receipt for the same, after paying first all costs and fees allowed to poundmaster and Sergeant, as provided in the following section, and then any fine imposed upon such owner or person.

SEC. 8. The following costs and fees shall be allowed:

For taking up and impounding each goat, hog or calf, fifty cents.

For taking up and impounding each horse, gelding, mare, ass, mule, cow, ox, bull, one dollar.

For feeding each goat, hog or calf, per day, twenty cents.

For feeding each horse, gelding, mare, ass, mule, cow, ox or bull, per day, fifty cents.

For notice, with return when made, to poundmaster, fifty cents.

For notice and return, to Sergeant, fifty cents.

And six per cent. commission on sales by Sergeant.

SEC. 9. Any person, being the owner of, or having charge of any animal as aforesaid, who shall within one year show to the Mayor that he was such owner, or had charge as aforesaid, shall have any surplus in the hands of the Treasurer arising from the sale of such animal paid over to him; said surplus to be paid on the order of the Council.

SEC. 10. All proceedings had by the Mayor under this ordinance shall be entered on his police docket.

SEC. 11. Any person who shall release, or cause to be released, any animal taken up under this ordinance and in charge of any officer, shall be fined in a sum not less than five, nor more than fifty dollars, with costs.

SPRING HILL CEMETERY.

AN ORDINANCE

For the establishment and regulation of Spring Hill Cemetery.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the grounds heretofore purchased by the city of Charleston, situate near the Chalybeate Springs, back of said city, and more particularly described in deeds of conveyance on record in the office of the clerk of Kanawha county court, in Deed Book No. 37, pages 270 and 272, and which have heretofore been appropriated for the purposes of a cemetery, and any other land adjacent thereto, which may hereafter be purchased by the city for cemetery purposes, shall be known and designated by the name of "Spring Hill Cemetery."

SEC. 2. The plat of sections 1 to 25, inclusive, of said cemetery, known as the Vosburg-Reynolds map, the plat of section 26 of said cemetery, known as the Jeffries map, and section 27 of said cemetery, known as the McDermott map, all of which show the sections and lots as heretofore adopted by the Council, are hereby re-adopted as the plats by which subsequent sales of grave lots are to be made until other additional sections are laid off by authority of Council. Said three maps are to be kept by the Recorder as part of the city records.

SEC. 3. The prices to be charged citizens of the city of Charleston for lots in sections 1 to 25, inclusive, and in section 27, are six cents per square foot, and in section 26, the prices fixed by order of Council August 15, 1884. The prices to be charged non-residents of said city are two and one-half times the prices charged citizens as aforesaid. All sales are to be for cash only, and are to

made by the Mayor. The Mayor is not to sell any part of any lot except in cases in which part of the same lot has already been sold. To any person paying the full price for any unsold lot in Spring Hill Cemetery, the Mayor is hereby authorized to make a deed in the name and under the seal of the city, conveying the same to the purchaser for the purpose of sepulture alone and subject to all ordinances of the city having relation to said cemetery.

SEC. 4. The Recorder shall keep a book to be known as the "Cemetery Register," wherein he shall record a memorandum showing each section and each lot therein contained, giving the number and area thereof, the name of purchaser, the date of the deed for same and by whom made, the amount and date of payment for same, and to whom paid, the names of parties therein interred, with date of interment, date and cause of death when practicable. Said register shall be indexed in the names of lot owners, as well as in the name of parties interred.

SEC. 5. The moneys arising from the sale of lots shall be by the Mayor paid into the City Treasury, to the credit of the Cemetery Fund, which shall be devoted to the maintenance and care of the Cemetery, and the roads and grounds belonging thereto, and for no other purpose.

SEC. 6. There shall be set apart two portions of said grounds, one for the interment of white persons, and the other for the interment of colored persons, which portions shall be free for the interment of those whose friends may not be able to purchase lots for them, and for such as may be interred by the public.

SEC. 7. No dead body shall be interred, disinterred, or re-interred in Spring Hill Cemetery without a permit in writing from the Mayor, which permit shall state the lot in which the interment or re-enterment is to be made, which permit shall not issue until the lot is paid for, unless the lot be one heretofore purchased of the city. The Sexton shall keep a record of all permits granted, and report the same to Council from time to time.

SEC. 8. The owners of lots may erect monuments or tombstones thereon, and beautify and decorate the same, except that no enclosures, curbs or walls shall be placed on or around any lot, unless it be a sufficient retaining wall to protect the edges of declivities along the main roads.

SEC. 9. All persons are strictly forbidden to drive any vehicle or ride any horse or other animal on the walks inside of the main avenue; any person or persons violating this provision shall be liable to arrest and, upon conviction before the Mayor, shall be fined ten dollars and costs.

SEC. 10. The use of the roads of the cemetery by any person for other purposes than those legitimately connected with the proper use of a cemetery, is not to be allowed by the sexton; nor is said sexton to permit any hauling, driving or riding through

the cemetery, except upon written order of the Mayor based upon discretion lodged in said Mayor by specific resolution of Council, and except also, that all rights are here saved to the Catholic congregation of the city of Charleston, which were granted, as matter of contract, by the action of Council February 20, 1885. Any person using said roads in violation of this section, shall be liable to arrest and, upon conviction thereof before the Mayor, fined ten dollars with costs.

SEC. 11. Any person who shall bury or cause to be buried any body in any of the avenues, roads, alleys, or unsurveyed spaces within the Cemetery, or shall bury or cause to be buried any body in any lot therein of which he is not the owner, or for which he shall not have the consent of the owner, shall be fined for every such offence, upon conviction thereof before the Mayor, ten dollars with costs.

SEC. 12. It shall be unlawful for any person to break down, deface, cut, pluck up, remove or otherwise injure any evergreen or other trees, flowers, shrubs, tombstones, monuments or other property in said cemetery, whether the same belong to the city or to lot owners; and any person violating this section, shall, upon conviction thereof before the Mayor, be fined for every such offence not less than one, nor more than fifty dollars, with costs.

SEC. 13. Any person who shall be found galloping, sporting, quarreling, drunk, gambling, using obscene or profane language, or guilty of lascivious or immoral conduct, or lounging on the monuments or graves in said cemetery, shall, on conviction thereof before the Mayor, be fined in any sum not less than one dollar, nor more than fifty dollars, for every such offence, with costs.

SEC. 14. The Sexton shall have the powers of a special policeman to make arrests for any violation of the ordinances of the city regulating or relating to the said cemetery, and it is made his duty to make such arrests, either on view or complaint, as would be proper. For such arrests he shall be allowed the fees usually allowed to special policemen for arrests.

SEC. 15. The Council shall annually, as soon as practicable after the municipal election, appoint a discreet man of steady habits to act as Sexton of Spring Hill Cemetery, who shall within two week from the time of his appointment, take and subscribe the oaths of office prescribed in the ordinance relating to oaths of office, and who shall continue in office until his successor is appointed and qualified. The Sexton shall have the immediate control and supervision of the cemetery, see that the fences enclosing the same are kept in repair, and the gates properly secured; he shall keep the grass therein mowed down, and may retain the same for his own use; he shall keep the roads in, and leading to said cemetery in good repair; he may reside in any house that may be built upon the premises, and use the garden space attached

in consideration of his general services; he shall have the exclusive right, and it is hereby made his duty to dig and refill all graves in said cemetery; he shall attend at all interments, and see that the graves are dug at least $4\frac{1}{2}$ feet deep, wherever practicable, and shaped up properly on top. For his services in preparing and filling every grave he shall be entitled to charge two dollars and fifty cents, which shall be paid by the person procuring the labor done; he shall be entitled to receive such sums as may be agreed upon, for services not herein enumerated, of the persons requiring them.

SEC. 16. He shall keep a plot of the several sections of the Cemetery, which shall exhibit the occupied and unoccupied lots, and the names of the owners, if known, which shall be open to examination when called for. He shall report to Council at the first meeting in each month, in writing, the number and names of the persons interred, dis-interred or re-interred in the Cemetery during the previous month, together with the proper dates and locations. His monthly report shall be accompanied by the burial permits received by him of the Mayor during the month. He shall report to the Mayor any and all cases of injury done to the walks, enclosures, monuments, tombstones, shrubbery or other property in or pertaining to the said Cemetery, as well as all cases of violation of any ordinance touching the Cemetery, with the name of the person doing the same. He shall do and perform all other things required of him by the Council in connection with said Cemetery.

WEIGHING OF COAL, &c.

AN ORDINANCE.

Providing for the weighing of coal and other articles sold, or for sale in the city of Charleston

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the scales erected and owned by the city, and located on the city public wharf property, shall be the city scales mentioned in this ordinance. Said city scales shall be kept in good order for the convenience of the public.

SEC. 2. The Council shall, in the month of March of each year, elect a suitable person to act as Wheighmaster for the ensuing year, who shall take the oaths of office prescribed for city officials, and give bond in the penalty of two hundred dollars, with security to be approved by the Council, and conditioned as prescribed in the ordinance relating to official bonds.

SEC. 3. Private persons may erect and use scales for the weighing of coal within said city, on the following condition, to-wit: said scales shall be, on or before the first day of April and the

first day of October of each year, inspected and regulated by the City Engineer, and at the expense of the owner thereof. Said owner shall weigh whatever coal may be weighed on his scales justly, and shall give to the owner or driver of the wagon or cart hauling the same, a ticket showing correctly the date of weighing, the draught and the name of such owner or driver of such wagon or cart; which ticket shall become the property of the purchaser of the coal. If the owner of any such scales shall fail or refuse to have the same regulated as herein provided, or shall give a false ticket of draught, he shall be fined not less than five nor more than twenty-five dollars, with costs.

SEC. 4. All coal sold, or for sale, in said city, by the wagon-load or otherwise, shall, if the purchaser thereof so demand, be weighed, either upon the city scales or upon any private scales authorized in the preceding section; and any person failing or refusing upon such demand, to have so weighed any coal sold, or offered for sale by him, shall be fined not less than five, nor more than twenty dollars, with costs.

SEC. 5. It shall be the duty of the weighmaster to weigh upon the city scales all articles by any person desired to be weighed, and give to such person a ticket, showing date, draught and name of such person, which ticket shall become the property of the purchaser of the article so weighed. He shall keep himself in readiness to attend all applications, and exercise a care over said scales, keeping the same free from all obstructions thereto or thereon. Whenever said scales become unfit for use, or need repairing, he shall immediately notify the Council, who shall forthwith cause the same to be repaired and accurately adjusted. He shall keep a record or register of articles weighed, the time when, the person for whom, and the fees received.

SEC. 6. The Weighmaster shall be entitled to charge, and shall collect for every article weighed by him on the city scales the following fees:

For each load of coal, 5 cents.

For each load of hay, 25 cents.

For each horse, 25 cents.

For each draught of beef cattle, 25 cents.

For each draught of sheep or hogs, 25 cents.

For each miscellaneous weighing, 25 cents.

SEC. 7. Said weighmaster shall be entitled to receive, as compensation for all services rendered by him under this ordinance, one-half of the net proceeds of all weighing fees charged and collected by him, after keeping up the ordinary repairs of the scales and paying for all weighing books; and the remaining half he shall, at the end of each month, pay to the City Treasurer, to the credit of the Street Fund.

ISSUE OF "OLD TEN PER CENT. BONDS" AUTHORIZED.

AN ORDINANCE

To provide for the issue of bonds by the City of Charleston.

[Adopted May 13, 1874.]

The Council of the city of Charleston deeming it expedient to issue bonds of said city of the character and for the amount and purposes hereinafter specified, therefore

Be it ordained by the Common Council of the City of Charleston, That the bonds of said city be issued to the amount of forty thousand dollars of the denomination of one hundred dollars and of multiples thereof, bearing interest at the rate of ten per centum per annum, payable annually, and maturing twenty years from the date thereof for the following purposes, and the following amounts to be appropriated to each purpose, to-wit :

Fifteen thousand dollars for the payment of present bonds of said city, falling due in the year 1875, and of interest thereon.

Ten thousand dollars for grading and paving Kanawha street, between Clendenin and Bradford streets.

Three thousand dollars for the improvement of Virginia street.

Fifteen hundred dollars for curb stones and setting the same.

Five thousand dollars for the improvement of cross streets between Kanawha and State streets as the Council may determine.

Fifteen hundred dollars for the extension of Quarrier street from Broad street to Capitol street.

Fifteen hundred dollars for Fire Department.

Fifteen hundred to improve State street.

One thousand dollars for general purposes.

But none of said bonds are to be issued or sold until this ordinance is ratified by the qualified voters of the city of Charleston and provision made for the payment of the principal and interest thereof as is now required by law.

And be it further ordained that the Mayor of the said city do forthwith issue his proclamation in manner and form as now required by law for an election to be held by the qualified voters of said city, to decide whether they will ratify or reject this ordinance.

 ISSUE OF THIRTY THOUSAND DOLLARS FUNDING BONDS AUTHORIZED.

AN ORDINANCE

Authorizing the issue of bonds for the purpose of funding a portion of the debts of the City of Charleston contracted prior to March 10, 1881.

[Adopted November 4, 1881.]

Be it ordained by the Common Council of the City of Charleston,

That whereas certain debts have been legally contracted by the city of Charleston, prior to March 10, 1881, which debts the Council deems it expedient to fund in the bonds hereinafter described; and whereas the charter of said city, as amended by chapter 67 of the Acts of 1881, passed March 10, 1881, grants to said Council power to fund its indebtedness by issuing bonds of the city, payable within twenty years, and redeemable in five years from date, at pleasure of the Council, and bearing no greater rate of interest than six per cent., which bonds shall not be sold for less than par, the Finance Committee of said city, consisting of J. D. Baines, James F. Brown, and R. S. Carr, are hereby authorized and directed to negotiate the sale or exchange of bonds, as contemplated in the amended charter, to the amount of thirty thousand dollars. Said issue being only and strictly for the purpose of funding indebtedness already contracted as aforesaid. And the Mayor and Treasurer shall properly execute said bonds under the seal of the city. And the Treasurer shall sign the annual coupons, or interest warrants, attached to said bonds; and thereupon said bonds shall be delivered to the Finance Committee. Said Finance Committee are hereby authorized to use their discretion in the preparation of said bonds and the coupons, and in the rate of interest they shall bear, not exceeding six per cent. and in the negotiation of the sale or exchange of said bonds. The proceeds of the sale of any bonds to be applied to the extinguishment the indebtedness aforesaid. And said committee are to submit to the Council an itemized report of all their proceedings under this ordinance.

ISSUE OF FIFTEEN THOUSAND DOLLARS FUNDING BONDS AUTHORIZED.

AN ORDINANCE

Authorizing the issue of fifteen thousand dollars of bonds, in addition to the issue of thirty thousand dollars of bonds already authorized by ordinance, for the purpose of funding, under the provisions of an Act of the Legislature of West Virginia, passed March 10, 1881, the indebtedness of the City of Charleston, existing at the date of the passage of said act.

[Adopted Dec. 15, 1882.]

SEC. 1. *Be it ordained by the Common Council of the City of Charleston*, That the Finance Committee of the City of Charleston, consisting of J. D. Baines, J. F. Brown and W. S. Laidley, be authorized to issue and negotiate bonds of the City of Charleston to the amount of fifteen thousand dollars, for the purpose of liquidating indebtedness of said city existing at the date of the passage of said act. This issue is additional to the issue of thirty thousand dollars

authorized by an ordinance enacted November the 4th, 1881, and and all of the duties of the Finance Committee, the Mayor and Treasurer, set forth in said last named ordinance, shall be performed by said Committee, said Mayor and said Treasurer, respectively, in carrying out this ordinance.

SEC. 2. There shall be annually levied hereafter, until the payment of the principal and interest of the bonds herein authorized to be issued, the sum of sixteen hundred and fifty dollars, for the purpose of creating a sinking fund, for the payment aforesaid; and said sinking fund shall be set apart and held sacred for the purpose of its creation, and in accordance with all provisions of law applicable to the case of a sinking fund established for the protection of the bonded indebtedness of a municipal corporation.

ISSUE OF NINETEEN THOUSAND DOLLARS DRAINAGE AND PERMANENT STREET IMPROVEMENT BONDS AUTHORIZED.

AN ORDINANCE

Providing for the issue of bonds by the City of Charleston for the purpose of building a central sewer within said city, and for the purpose of the general permanent improvement of the streets thereof.

[Adopted June 1, 1883]

The Common Council of the City of Charleston, deeming it expedient to issue bonds of said city of the character and for the amount and purposes hereinafter specified; therefore,

Be it ordained by the Common Council of the City of Charleston, That the bonds of said city be issued to the amount of nineteen thousand dollars of the denomination of one hundred dollars and of multiples thereof, bearing interest at the rate of six per centum per annum, payable annually, and maturing twenty years from the date thereof, for the following purposes, and the following amounts to be appropriated to each purpose, to-wit:

Ten thousand dollars for building a central sewer to run parallel with Kanawha river, and to be located on a line lying south of Washington street.

Nine thousand dollars for the general permanent improvement of the streets of Charleston.

But none of said bonds are to be issued or sold, until this ordinance is ratified by receiving a majority of three-fifths of all the qualified votes of said city, cast for and against the ratification of of this ordinance, when legally submitted to a vote, together with all questions connected therewith; nor shall said bonds, or any of them, be issued or sold until provision has been made for the payment of the principal and interest thereof, as is required by law.

And be it further ordained, that the Mayor of the said city do forthwith issue his proclamation, in manner and form required by law, for an election to be held by the qualified voters of said city to decide whether they will ratify or reject the ordinance.

CERTAIN BONDS EXEMPT FROM TAXATION.

AN ORDINANCE

Exempting certain city bonds from city taxation.

[Adopted January 6, 1882.]

Be it ordained by the Common Council of the City of Charleston, That all of the bonds issued by the city of Charleston under the authority of the Act of the Legislature of West Virginia, passed March 10, 1881, amending the charter of said city, are exempt from taxation for city purposes, and the same are not to be listed by the City Assessor among the personal property of the holders thereof.

OLD SINKING FUND.

AN ORDINANCE

In relation to the collection and disbursement of the finances of the City.

[Adopted April 8, 1881.]

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the Treasurer of said city shall open and keep accurate accounts with the several funds appropriated by the Council at each annual levy of taxes, crediting each fund with its proper proportion of all moneys paid into the Treasury arising from each levy.

SEC. 2. All moneys received into the Treasury, arising from other sources than the annual levy and licenses, shall be credited by the Treasurer as follows: Fines, to the Police Fund; proceeds of sales of cemetery lots, to Cemetery Fund; wharfage, to Street Fund; proceeds of city scales, to Street Fund; and from other sources to Contingent Fund.

SEC. 3. Every order issued by the city Council shall specify the fund out of which it is to be paid.

SEC. 4. The Treasurer shall pay out of the balance to the credit of any fund, any orders drawn thereon, after the 17th day of September, 1880, but in no case out of the balance to the credit of any other fund; and coupons maturing after said date shall be a sufficient order upon the fund appropriated to interest.

SEC. 5. No indebtedness of the city, evidenced by order or otherwise, shall be receivable for taxes levied for 1880 or thereafter;

but orders, bonds and coupons matured and not in suit, may be taken in payment of taxes theretofore levied; but in no case shall a part payment be made on any such bond, order or coupon, unless the same shall be in full discharge of any balance due thereon.

SEC. 6. The proceeds of all uncollected taxes levied prior to September 17, 1880, and the annual appropriations hereafter made for the payment of existing indebtedness, shall constitute a Sinking Fund to be applied as follows:

First. To reimbursing the levy of 1880, as far as the same has been used in the payment of indebtedness arising prior to September 17, 1880.

Second. To the payment of the indebtedness of the city which matured before September 17, 1880, and may not be in suit or judgment.

Third. To the payment of judgments against the city in the order of priority in which they have been recovered; except the judgment of William Frasier, provided for in the levy of 1879, which judgment shall have precedence. And the receipts of the several creditors in the order named shall be a sufficient voucher for the Treasurer.

SEC. 7. The City Sergeant shall collect as rapidly as possible all the taxes and licenses in his hands; and the taxes, licenses and wharfage for 1880, and thereafter he shall collect in money and nothing else, and shall pay into the treasury at the end of each month the amount collected during such month, taking the Treasurer's receipt therefor in duplicate.

SEC. 8. The City Sergeant and every other officer or agent of the city, charged with the collection of its money, shall at the end of each month pay into the Treasury, to the credit of the proper funds, any funds collected by him or them, during such month, and take proper receipts therefor. *And each of said officers shall report in writing to the Council, at the first meeting of each month, a statement of all moneys received by them during the preceding month. And that the City Assessor do likewise report to the Council at the first meeting of each month the licenses assessed during the preceding month; and the Recorder do thereupon charge the City Sergeant with the same.

SEC. 9. The Treasurer shall report to the Council at its first regular meeting in each month the amount received during the previous month, and the balance to the credit of the several funds.

SEC. 10. No account shall be allowed except at the first regular meeting of Council in each month.

SEC. 11. Any valid debt against the city, matured before the 10th day of March, 1881, or any bonds of said city now outstand-

*All of this section after the word "therefor," was added by way of amendment adopted August 5, 1881.

ing may be converted at par into new bonds, bearing not more than six per cent. interest per annum, and payable in not more than twenty years.

SEC. 12. All ordinances or parts of ordinances that conflict herewith, are hereby repealed.

“NEW SINKING FUND.”

AN ORDINANCE

Establishing a sinking fund for the discharge of the principal and interest of the bonds to be issued under Act of the Legislature of West Virginia passed March 10, 1881, and appropriating the proper proportion of said fund for the year 1881.

[Adopted November 11, 1881.]

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That a sinking fund for the purpose of discharging the principal and interest of the bonds to be issued under act of the Legislature of West Virginia, passed March 10, 1881, be and the same is hereby established, and ordered to be held inviolate, except for the purposes for which said sinking fund may be legally used.

SEC. 2. The sum of three thousand dollars, designated in the levy of October 7, 1881, as a fund for the payment of the indebtedness of the city, accrued prior to September 17, 1880, and not in suit, is hereby appropriated and ordered to be held as the proper yearly proportion of said sinking fund for the year 1881, the indebtedness aforesaid being sufficiently provided for by the sinking fund created by ordinance enacted April 8, 1881.

SEC. 3. The sum of thirty-three hundred dollars shall be set apart out of the annual levy of each year hereafter, and held inviolate as aforesaid, for said purposes, till the principal and interest of said bonds shall be fully discharged.

CONSOLIDATED SINKING FUND.

AN ORDINANCE

Establishing a Consolidated Sinking Fund for the protection of all bonds of the City of Charleston, issued or authorized to be issued, under the laws of the State of West Virginia, and under the ordinances of said city enacted previous to October 30, 1883, and such funding bonds as may hereafter be issued under the authority of the Act of the Legislature of West Virginia, passed March 10, 1881, and providing for the annual payment of the interest accruing thereon.

[Adopted October 30, 1883.]

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That the Council shall annually, hereafter, until the extin-

guishment of the indebtedness hereinafter mentioned, upon the day upon which the annual levy of the city of Charleston is laid, levy the sum of four thousand and five hundred dollars, and appropriate the same to a fund to be known as the "Consolidated Sinking Fund."

SEC. 2. All sums of money in the hands of the City Treasurer upon the 30th day of October, 1883, to the credit of both the "Old Sinking Fund" and the "New Sinking Fund," and all sums of money which may thereafter come into his hands to the credit of said two last named funds, shall be him transferred to, and placed to the credit of said "Consolidated Sinking Fund."

SEC. 3. At the end of three months after the annual levy is laid in each year, the City Treasurer shall place to the credit of said "Consolidated Sinking Fund" all unexpended balances to the credit of all funds except the Interest Fund, and the City Building Fund. Said balances being such as arise from the levy and appropriations of the preceding year.

SEC. 4. Said "Consolidated Sinking Fund" shall be set apart and held sacred and inviolate by said Treasurer for the following purposes, to-wit: The payment in full, at maturity, of the principal of the following bonds of said city, viz:

- (1). Eight thousand dollars of outstanding ten per cent. bonds, falling due in 1894.
- (2). Six thousand dollars of outstanding ten per cent. bonds, falling due in 1896.
- (3). Two thousand dollars of outstanding ten per cent. bonds, falling due in 1898.
- (4). Five thousand dollars of outstanding eight per cent. bonds, falling due in 1898.
- (5). All bonds issued and to be issued under the Act of the Legislature of West Virginia, passed March 10, 1881, which bonds are commonly known as "Funding Bonds."
- (6). Ten thousand dollars of Drainage Bonds, and nine thousand dollars of General Street Improvement Bonds, aggregating nineteen thousand dollars of bonds, authorized under the ordinance of said city enacted June 1, 1883.

SEC. 5. Except, that said "Consolidated Sinking Fund" may be invested as is provided in section 10, chapter 141, Acts 1872-3.

SEC. 6. Said Council shall also, annually hereafter, until the extinguishment of the indebtedness hereinbefore mentioned, upon the day upon which the annual levy of said city is laid, levy and appropriate the sum of six thousand dollars to a fund to be known as the "Interest Fund," which shall be held by said Treasurer sacred and inviolate for the purpose of paying the yearly interest accruing upon all of the foregoing bonds, according to the terms and tenor of the contract expressed in said bonds and in the coupons thereto attached.

SEC. 7. That annually on the first day of May of each year, the Treasurer of the city shall transfer from the Interest Fund to the said Consolidated Sinking Fund a sum equal to the annual interest on such city bonds as he holds as investments of the Consolidated Sinking Fund.

SEC. 8. The Treasurer shall semi-annually, to-wit: On the first day of May, and the first day of November of each year, report to the Council the status of the said Consolidated Sinking Fund, and said Interest Fund.

SEC. 9. All ordinances or parts of ordinances in conflict herewith, are hereby, to that extent, repealed.

INVESTMENT OF THE SINKING FUND FOR CITY BONDS.

AN ORDINANCE

Providing for the investment of the Sinking Fund for the city bonds issued under the ordinance of November 4, 1881.

[Adopted January 6, 1882.]

Be it ordained by the Common Council of the City of Charleston, That the City Treasurer, under the direction of the Finance Committee of said city, is authorized and instructed to invest in the bonds of this city, or such other securities as are enumerated in section 10 of chapter 141, of the Acts of 1872-3, such sums as shall be paid into the Sinking Fund, created November 11, 1881, on account of the yearly levy appropriated to said fund, for the year 1881, as well as such sums as shall be paid into the Treasury on account of said fund in subsequent years, over and above the amount necessary to discharge the interest as it accrues on the bonds for the discharge of which said fund was created.

STATEMENT OF BONDED INDEBTEDNESS OF THE CITY OF CHARLESTON, APRIL 1, 1886.

Ten per cent. bonds due October 1, 1894 (old).....	\$ 1,000 00	
Ten per cent. bonds due Octobet 19, 1894 (old).....	2,000 00	
Ten per cent. bonds due October 30, 1894 (old).....	5,000 00	
		\$ 8,000 00
Ten per cent. bonds due June 19, 1896 (old).....		6,000 00
Ten per cent. bonds due March 20, 1898 (old) . . .	\$ 2,000 00	
Eight per cent. bonds due June 21, 1898.....	5,000 00	
		<u>7,000 00</u>

✓ Six per cent. bonds due December 24, 1901 (funding) . . .	\$ 3,000.00	<i>pd</i>	
Six per cent. bonds due December 31, 1901 (funding)...	200.00	<i>pd</i>	
✓ Five per cent. bonds due December 31, 1901 (funding)	200.00	<i>pd</i>	
			3,400 00
Six per cent. bonds due January 7, 1902 (funding) . . .	\$ 1,000.00	<i>pd</i>	
✓ Six per cent. bonds due January 8, 1902 (funding) . . .	500.00		
✓ Six per cent. bonds due October 16, 1902 (funding) . . .	500.00	<i>pd</i>	
<i>500</i> Six per cent. bonds due November 18, 1902 (funding)	2,500.00	<i>pd</i>	
Six per cent. bonds due November 28, 1902 (funding)	5,000.00	<i>pd</i>	
Six per cent. bonds due December 8, 1902 (funding) . .	5,500.00	<i>pd</i>	
✓ Six per cent. bonds due December 21, 1902 (funding)	100.00	<i>pd</i>	
Six per cent. bonds due December 30, 1902 (funding)	20,000.00		
			35,100 00
Six per cent. bonds due January 4, 1903 (funding) . . .	\$ 2,000.00	<i>pd</i>	
Six per cent. bonds due March 2, 1903 (funding)	500.00	<i>pd</i>	
Six per cent. bonds due June 15, 1903 (funding)	1,100.00	<i>pd</i>	
✓ Six per cent. bonds due May 1, 1903 (funding)	500.00	<i>pd</i>	
Six per cent. bonds due June 9, 1903 (funding)	1,500.00	<i>pd</i>	
Six per cent. bonds due Nov. 1, 1903 (drainage, etc.)	2,500.00	<i>pd</i>	
			8,100 00
Six per cent. bonds due Jan. 19, 1904 (drainage, etc.) \$	16,500.00		
			16,500 00

Total bonded debt April 1, 1886 \$84,100 00

All the bonds marked "old" were issued under the ordinance of May 13, 1874, and pursuant to chapter 141, Acts of 1872-'3. The Eight Per Cent. Bond was issued by order of Council June 21, 1878. The Funding Bonds of the city were issued pursuant to chapter 67, Acts of 1881, and under the several ordinances adopted November 4, 1881, and December 15, 1882.

The Drainage and General Street Improvement Bonds were issued under the ordinance of June 1, 1883, and pursuant to chapter 141, Acts of 1872-'3.

All of the foregoing bonds are protected by the "Consolidated Sinking Fund," established by the ordinance of October 30, 1883.

The Funding Bonds are payable at any time after five years from their date at the pleasure of the Council, and are exempt from city taxation by the ordinance of January 6, 1882.

Under the provisions of sec. 10, chap. 141, Acts of 1872-'3, and the several ordinances of the city adopted January 6, 1882, October 30, 1883, and March 7, 1884, a number of the bonds included in the foregoing statement have been bought as investments of the Sinking Fund by the City Treasurer, as custodian of the fund.

The following is a statement of the bonds now held by the Treasurer as investments of the Consolidated Sinking Fund :

Eight per cent. Bond, due June 21, 1898, (old).....	\$ 5,000 00
Six " " " Dec. 31, 1901, (funding).....	200 00
" " " " Jan. 7, 1902 "	1,000 00
" " " " Nov. 18, 1902 "	2,000 00
" " " " Dec. 8, 1902 "	500 00
" " " " June 9, 1903 "	1,500 00
" " " " Nov. 1, 1903 (drainage &c)	2,500 00
Total	\$12,700 00

For the guidance of the the City Treasurer in paying the annual coupons of the above bonds, it must be borne in mind that, whereas said coupons are, generally, payable at the office of said Treasurer, in the city of Charleston, yet, as a condition of the negotiation of certain of the funding bonds, the coupons thereon were interlined, after the word "Treasurer," "or at National Citizen's Bank, New York." The bonds having coupons so interlined, and so payable, are as follows :

- Nos. 57 to 66, inclusive, for \$500 each, dated Nov. 28, 1882. *Paid*
- Nos. 67 to 76 " " " " " Dec. 8, 1882. *67-68-69+70 paid*
- Nos. 116 to 119, " " " " " Jan. 4, 1883. *Paid.*
- No. 121 " " " " " March 2, 1883. *Paid*

All these bonds draw six per cent. interest. So then the Treasurer will have to provide for the annual payment of the interest in New York, as follows :

- November 28th, \$300.00.
- December 8th, \$300.00.
- January 4th, \$120.00.
- March 2nd, \$30.00.

ORDINANCES.

AN ORDINANCE

Prescribing the mode in which ordinances shall hereafter be adopted, providing for the publication of certain ordinances, providing for an Ordinance Record, and repealing old ordinances.

SEC. 1. *Be it ordained by the Common Council of the City of Charleston,* That no ordinances shall be hereafter adopted by the common Council of the city of Charleston, unless in the following mode, viz : It shall first be submitted to the Council at a regular meeting thereof, in writing. It shall have a caption plainly and fully indicating the subject matter thereof, and shall commence with the words, "Be it ordained by the Common Council of the City of Charleston." At said meeting said proposed ordinance may be, on a motion to adopt the same, if seconded, discussed, and will be open to amendment ; or it may be referred to the Ordinance Committee.

At the next regular meeting after the one at which it is proposed, as aforesaid, it may be adopted, either in its original form, or as amended, provided that six members of the Council agree to it by a called vote had thereon and entered of record. All votes taken on the adoption of, amendment to, or substitute for a proposed ordinance, shall be called by the ayes and noes and entered on the record.

SEC. 2. All ordinances adopted hereafter by the Council imposing any fine, penalty, or assessment shall be published by the Recorder, by posters, within the city, and the fact and date of such publication shall be by him reported to the Council at its next regular meeting and entered on the record. Nor shall any ordinance imposing any fine, penalty or assessment be valid unless, nor before five days after it shall have been so published.

SEC. 3. All ordinances which may hereafter be regularly adopted, as well as such as have been heretofore regularly adopted and not repealed by this ordinance, shall be by the Recorder carefully engrossed in a special book to be known as the "Ordinance Record of the City of Charleston." Said ordinance record shall be carefully and conveniently indexed, and shall show the date of the adoption of every ordinance therein recorded. The printed book containing this and the foregoing ordinances, together with the said ordinance record, shall constitute the general code of law of the City of Charleston.

SEC. 4. All ordinances heretofore adopted, and not contained in said printed book, are hereby repealed, except such ordinances as are of a private character, and may affect franchises granted or claimed to be granted to private persons or corporations, and except, also, such ordinances as establish or alter any street grades or street lines, or any building lines, curb lines or width or grade of sidewalks in said city.

GAS WORKS.

AN ORDINANCE

Concerning the Charleston Gas Company.

[Adopted May 27, 1870.]

SEC. 1. *Be it ordained by the Council of the Town of Charleston, West Virginia,* That S. Solomon, his associates, their successors, heirs or assigns, be and they are hereby invested with the exclusive privilege for the term of twenty years from and after the passage of this ordinance, of using the streets, alleys and public grounds of the said town, as it is now laid out or may hereafter be enlarged, for the purpose of laying down, in said streets, alleys and public grounds, pipes for the conveyance of gas in and through said town to its inhabitants.

But this privilege is granted to the said Solomon and his associates upon the following express condition, namely :

That the said Solomon and his associates, &c., shall erect the necessary gas works and lay down said pipes so far as they may be needed at the present time to supply a majority of the inhabitants of said town within the present time, May, 1870, and the first day of December, 1871. That the said streets, alleys and public grounds shall be injured as little as possible, and the openings therein shall be closed and left in good repair by the said parties, and the said parties shall be subject to all the laws and ordinances of the town now in force, and they shall keep their works in proper condition to supply the town and the inhabitants thereof with gas of good quality at fair and reasonable terms, such as are customary in other towns and cities similarly situated, and of equal or less population.

SEC. 2. All openings in the streets, alleys and public grounds shall be made under the supervision of the Sergeant of said town who shall see that the same are not improperly or unnecessarily obstructed while the work is in progress, and that the same are left in good repair when the work is completed.

SEC. 3. The said works shall be commenced on or before the 1st day of May, 1871, and shall be completed by the time aforementioned. A failure on the part of the said Solomon and his associates, &c., to comply with any of the provisions of this ordinance, shall forfeit all the rights and privileges granted by it, unless the failure is caused or occasioned by accident or untoward event, in which case the same shall work no forfeiture.

WATER WORKS ORDINANCE.

AN ORDINANCE

To provide for the establishment of Water Works in the city of Charleston, West Virginia.

[Adopted November 14, 1884.]

SEC. 1. For the purpose of providing for the protection of public and private property in the city of Charleston against fire and for the extinguishment of fires and in consideration of the benefits to accrue to the city of Charleston by establishing and maintaining a good, substantial and complete system of water works and fire protection, there is hereby granted to E. R. Davenport, of the city of Hannibal, Missouri, and to his associates, heirs, successors, or assigns, the exclusive privilege of establishing, maintaining and operating water works and the construction of pipe lines, reservoirs and conduits necessary and sufficient in size, also the laying of mains, pipes, and the placing of fire hydrants in and along the

streets, avenues, and alleys, public grounds, and side walks of the city of Charleston, in the county of Kanawha, and State of West Virginia, as the same now exists or may hereafter be extended, for the supply of water sufficient for the extinguishment of fires, and suitable for domestic and other purposes, and to carry on the business and pursuit of supplying good wholesome water to individuals, firms, companies, corporations and others residing in, or located within the limits of said city, at rates not exceeding those named in section 25 of this ordinance, for the full period of thirty (30) years from and after the passage, acceptance and legal record of this ordinance.

SEC. 2. The said E. R. Davenport, his associates and their heirs, successors and assigns, are for convenience in the further provisions of this ordinance hereinafter designated "Charleston Water Works Company."

SEC. 3. It is hereby ordained that at the expiration of said thirty (30) years, all of the exclusive rights, special grants, contracts shall cease and terminate. Provided, however, that at the expiration of said thirty (30) years should the city of Charleston refuse to grant the said Charleston Water Works Company, the right to continue and maintain their works in and upon the streets, avenues, alleys, public grounds and side-walks of said city and to supply the city with water at terms and at prices named in section 14 and 25 of this ordinance then in such cases the city shall purchase of the said Charleston Water Works Company their water works and property connected therewith at a fair valuation to be ascertained as provided in section 13 of this ordinance.

SEC. 4. There shall be laid not less than eight (8) miles of pipe of the kind known as Kalamein pipe, so located as to best secure the fire protection of the city, and for the supply of water for domestic and manufacturing purposes, and the same shall be located by the Charleston Water Works Company on the streets that will give the greatest revenue from consumers of water and furnish fire protection to the greatest number. All mains and pipes to be laid with reference to the grade furnished by said city. If at any time it shall appear that by extending the mains or water pipes an additional revenue to said Water Works Company can be secured either from public fire hydrants or by the written agreement of responsible consumers, which shall not be less than fifty (\$50.00) dollars per annum from each and every three hundred feet of said extension, or in that proportion for a less distance, the City Council may by resolution require said Charleston Water Works Company to make such extension of pipes, which shall be done without unreasonable delay. Provided, however, that if said Water Works Company shall be required by the Council to lay their water mains in any ungraded streets, that whenever such street is graded the city shall pay the cost of re-laying such pipes

with proper reference to grade or to keep said water mains below frost line in the earth.

SEC. 5. All main pipes used in the distribution system shall be subject to hydrostatic pressure of not less than three hundred (300) lbs. per square inch before being laid, and a certificate of the manufacturer of said pipe, or their foreman, engineer, manager or agent, obtained and filed with the city clerk, that all said pipes have been subjected to said test before shipment from the factory. Said main pipes shall be of suitable size to furnish an abundant supply of water, looking to the present wants of the city and its future growth. The distribution system shall be divided into districts by a proper arrangement of gates or valves to facilitate the making of extensions and repairs without undue interruption to the supply of water.

SEC. 6. The pump house shall be of ample size to accommodate the machinery of said Water Works, and constructed of brick or stone, with a metal or slate roof and be practically fire proof. There shall be duplicate pumping machinery and boilers of modern and appropriate style and efficiency, each set having a capacity for pumping one million of gallons of water in twenty-four hours, and arranged in such a manner as to be worked singly or duplex as occasion may demand. The water shall be conducted through pipes of such sizes as to give a practical head or pressure suitable and sufficient for domestic and manufacturing purposes and supply, and capable of increasing the pressure instantly to fire pressure in case of an alarm of fire. The City Council shall on the written application of the Charleston Water Works Company, condemn the right of way for such company to construct their works over or upon any tract of land within the city, which condemnation shall be at the cost of said company; and all such rights acquired shall be transferred to said company's further use.

SEC. 7. The Charleston Water Works Company shall not during the construction of their works or in making repairs on the same, obstruct the public highways for any unreasonable length of time. And they shall restore the streets, avenues, alleys, &c., as near as practicable to their condition before use, except upon streets not paved, where the necessary low crowning upon the trenches, may be for the first season after laying maintained to allow the back filling to be settled by rain.

SEC. 8. The system of main pipes, when completed, shall be tested to a hydrostatic pressure of not less than one hundred and fifty (150) pounds to the square inch, the same to be indicated by a steam or water-pressure gauge, connected to a hydrant or placed in the pump-house; and this test to be made in the presence of the City Council or a committee from the same.

SEC. 9. The power and capacity of the works shall be such that upon their completion, and at all times thereafter they shall throw six (6)

streams at the same time through one-inch "ringed nozzles" in all the business portions of the city to a height of at least one hundred and fifty (150) feet from the ground, and to continue such streams for one hour or more if necessary; also of such power that the steam fire engine now in use in said city of Charleston may be connected to a hydrant (provided by said water-works company with an engine connection) by said engine suction and a stream thrown through the engine one hundred (100) feet from the ground. In the event that the said Charleston Water-works Company conclude to build, construct or erect a large, strong reservoir upon elevation, there shall be maintained an independent connection also that can be used to supply water to the city in case of a possible emergency. It is to be understood that the streams provided for in this ordinance shall be thrown through one hundred and fifty (150) feet of two and one-half ($2\frac{1}{2}$) inch rubber fire hose, with one (1) inch ringed end nozzles.

SEC. 10. The Charleston Water Works Company shall erect or cause to be erected, and maintained at their own expense a telephone or other electric alarm, and shall connect their office and pump house on said line independently, and shall also cause their line of wire to be connected with city telephone exchange, and in case the city shall establish a fire alarm telegraph, electric or telephonic system, and fire alarm boxes and electric or telephonic stations, the city shall have the right to extend said wires for electric or telephonic communication from said boxes or stations to said pump house. The right of way is hereby granted to the said Charleston Water Works Company through and across any street, avenue or alley, in the city of Charleston, also the privilege of erecting poles for the wires to be placed upon, to properly and efficiently carry out the provisions of this section of this ordinance, for maintaining communication or fire alarm between the Water Works Company's office, or fire department headquarters and the said pump house, as the same may be now, or in future located.

SEC. 11. The said Charleston Water Works Company shall have the right to shut off water supply temporarily from its mains, or any portion thereof, for the purpose of making repairs or extensions to the Water Works, and shall not be liable to the city or any consumer for damage occasioned by such temporary suspension of the supply of water: Provided, said repairs or extensions are made with due diligence; but the failure to keep the whole apparatus in working order, and supply consumers with good, pure and wholesome water for an unreasonable length of time, shall cause a forfeiture of the exclusive privilege hereby granted.

SEC. 12. The city shall adopt and enforce ordinances protecting said Charleston Water Works Company in the safe and unmolested

exercise of their franchises and against fraud and imposition, and against injury of their property, and unnecessary waste of water by consumers, and the said Charleston Water Works Company may make and enforce as a part of the conditions upon which they will supply water to consumers, all needful rules and regulations not inconsistent with law.

SEC. 13. The city of Charleston shall have the option and privilege at any time after the expiration of twenty (20) years from the passage of this ordinance, or at the expiration of any five (5) years thereafter, on giving six months prior notice in writing to the Charleston Water Works Company, to purchase said water works and all property connected therewith, real and personal, fixtures and appurtenances, privileges and franchises, at a fair valuation to be ascertained as follows, to-wit: In the event said city and said Charleston water works company fail to agree upon the price, three (3) disinterested persons of good intelligence, not residents of the county of Kanawha, shall be chosen and sworn to determine the value, one to be chosen or appointed by the said city of Charleston, and one by the said water works company, and the third by the two so appointed. When said three persons shall have been so chosen, and before they determine said value, the city of Charleston and the said Charleston Water Works Company, shall each at their option have the right to call non-resident experts, not exceeding three (3) in behalf of each party, to give testimony under oath before said three appraisers, as to such value.

The said three appraisers shall then proceed to determine said value, and in so doing they shall take into consideration the productive value of water works, rights, privileges and property. When the three appraisers or their majority shall have determined and declared the valuation of the entire Charleston Water Works and property of the company, the city shall pay the sum thus ascertained with ten (10) per cent. added to the amount at which the same may have been valued. The city shall in such purchase assume and perform all unfinished contracts for furnishing water, made by the Charleston Water Works Company, and assume and pay all debts and obligations of said Charleston Water Works Company, not to exceed amount the purchase money to be paid by said city, and all sums so paid shall be in part of discharge of said purchase money. After payment of debts and obligations or assuming and deducting the same from said purchase money, the balance due said company, if any, shall be by the city paid to the treasurer of said Water Works Company for the benefit of said company within ninety (90) days, after said award has been made, in cash. If the said city of Charleston shall refuse to purchase as aforesaid, the city shall pay the necessary expense incurred in making said award, but in case the city buys, then the said expense incurred in making

the said award, shall be equally borne by the said city and the said Water Works Company.

AN ORDINANCE

Amending and re-enacting section 14 of an ordinance entitled "An Ordinance to provide for the Establishment of Water Works in the City of Charleston, West Virginia," adopted November 14, 1884.

[Adopted June 1, 1885.]

Be it ordained by the Common Council of the City of Charleston, That sec. 14 of an ordinance adopted on the 12th day of December, 1884,* for the establishment of water-works in the city of Charleston, be amended so as to read as follows:

The Charleston Water Works Company shall erect all the necessary fire hydrants, furnish the same, together with the necessary pipes and fittings and labor used in erecting said fire hydrants for fire protection. Ten of said hydrants are to have three (3) two and one half (2½) inch deliveries, to be set as follows: One on the corner of Lee and Capitol streets, one on the corner of Capitol and Washington streets, one on the corner of Capitol and Quarrier streets, one on the corner of Capitol and Virginia streets, one on the corner of Capitol and Kanawha streets, one on the corner of Summers and Virginia streets, one on the corner of Kanawha and Alderson streets, one on the corner of Kanawha and Court streets, and one on Kanawha street near the Hale House. All other fire hydrants to be double delivery throughout the city. Said fire hydrants are to be of the latest improved pattern, with frost jackets; the threads of hose nozzles to be the same as the threads of the hose couplings now in use in the fire department of the city of Charleston. The City Council to order as many fire hydrants set as they may deem best for the financial condition of this city and the adequate fire protection of the property of its inhabitants. And for the ten (10) triple delivery fire hydrants and all other double delivery fire hydrants that may be by the City Council of the city ordered as aforesaid, the Charleston Water Works Company agrees to rent and does hereby rent to the said city of Charleston for and during the full term of this franchise at the rate of fifty (50) dollars per annum each, during the use of such hydrants by the city as hereinafter provided. The said city of Charleston hereby agrees to rent all the aforesaid fire hydrants from said Water Works Company for the full term of this franchise, and agrees to pay the said Water Works Company at the rate of fifty (\$50) dollars per annum for each and every hydrant that may be ordered set by the City Council of this city, during

*NOTE.—The Water-works ordinance was really adopted November 14, 1884, but spread on the records December 12, 1884.

the use of such hydrants as hereinafter provided. *Provided*, Said hydrants are ordered by giving a written copy of any and all resolutions ordering hydrants to the said Water Works Company's secretary or superintendent. The Charleston Water Works Company shall and hereby agrees to set and maintain said hydrants in good order and efficiency for the full term of this franchise at its own proper cost and expense. The city agrees to rent said hydrants for fire protection and flushing sewers, and agrees to pay said hydrant rentals quarterly at the end of each quarter of the year, viz: January the first (1st.), April the first (1), July the first (1), and October the first (1) of each and every year, during the period of this franchise of thirty (30) years. *Provided*, That the first payment shall be made *pro rata* on the first day of the quarter next succeeding the completion of the works, and after proving their efficiency, as provided herein in case of a fractional quarter of the year, to be paid for proportionally by said city. The Charleston Water Works Company shall set one double delivery hydrant near the pump-house, free of rental to this city as an additional protection of their pump-house from fire. The city shall have the right, at its expense, to cause hydrants to be moved from one point to another, the city to pay for the labor and the Water Works Company to furnish the material. The city reserves expressly the right to order only such hydrants as the Council may deem best for the financial condition of the city and the right to refuse and decline to order any hydrants whatever, and the further right to fix and determine the number of hydrants and the location thereof the city shall use and pay for during each year, and the Council shall, on the third meeting after each election of city officers each year, fix the number of fire hydrants to be so used and paid for during the ensuing year, and shall give notice thereof in writing to said company. And is further provided that if the city should discontinue the use of any such hydrants set as herein provided under its order, during the period of such discontinuance the aforesaid rental shall cease, and the council shall pay to said company during such discontinuance a sum equal to ten per cent. per annum on the original costs of such hydrants in lieu of the rental aforesaid.

SEC. 15. Fire hydrants may be used by the fire department not oftener than once each week for drill, in order to accustom the members of the fire department to the use of the apparatus, or by said city to flush sewers, but no hydrant shall be opened for such drill or flushing until the Water Works Company's engineer who may be on duty at the pump-house, shall have been notified. The City of Charleston agrees to use all hydrants carefully, protecting them from molestation or damage by the employes or officers of said city, and pay said Charleston Water Works Company for any injury that may result from misuse or abuse by the servants or employes of the city. It shall be the duty of the fire department

of the City of Charleston to immediately notify the said engineer on duty at the pump house, of any alarm of fire, and said engineer's duty to respond immediately by putting and maintaining a sufficient head of water and fire pressure on the main pipes instantly, as soon as he receives said notice of fire. It shall be the duty of the chief of the fire department to cause water to be taken from the fire hydrants by attaching thereto sufficient hose and nozzles or play pipes to convey the water for the protection and extinguishment of fires within the limits of said city and within range of said hydrants whenever there may be occasion therefor, and also for the necessary drill as aforesaid, and on such occasions as an alarm of fire, or for drill, or flushing sewers, said fire hydrants shall be under the control of said fire department, but immediately thereafter and at all other times, said hydrants shall be under the care of the Charleston Water Works Company.

SEC. 16. All pipe lines of mains shall be located and laid on one side or the other from the center of the streets, and so as not unnecessarily to interfere with pipes or drains that may be already laid in said city, nor with railroad tracks.

SEC. 17. The Superintendent of the Charleston Water Works Company, and his successors in office are hereby appointed special policeman, to be paid by the said water company, and by this ordinance empowered to arrest any person or persons found defacing or injuring wilfully any part of the apparatus, or who shall be found throwing any foreign substance into filters or reservoirs that might render the water impure or unwholesome. And any person or persons who wilfully disturb, misplace or destroy any of the mains, fire hydrants or other property of the Charleston Water Works Company, or hitch teams, horses or other animals to said fire hydrants, or molest the filters or reservoirs, or throw foreign substance into the filters or reservoirs, or disturb, break or tear down any enclosure to filters or reservoirs, shall be deemed guilty of a violation of this ordinance, and fined not less than five dollars, nor more than fifty dollars, for every such offence, to be enforced and collected as other city penalties, and such person shall also be liable to said Charleston Water Works Company in an action of damages.

SEC. 18. For the protection of consumers of water from imposition by irresponsible workmen and unskilled mechanics, the Charleston Water Works Company shall license only those to do plumbing in connection with their water works, who are known or believed to be skilled mechanics, and by this exercise of power save harmless said consumers from damage, as much as lies in the power of the Water Works Company, and shall exact of each firm for general work, who may desire to carry on the business of plumbing, a bond of one thousand (\$1,000) dollars, and of each

firm for a special piece of work a bond of five hundred (\$500) dollars, said bonds to be with two good and sufficient sureties, residents of the city of Charleston, to be approved by the Charleston Water Works Company's superintendent, to indemnify the said Water Works Company or its consumers from loss or damage on account of defective work.

SEC. 19. The authorized agent or superintendent (or inspector during construction) shall have the right to enter the premises of any consumers of water furnished by the said company, for the purpose of examining the pipes and fixtures and preventing waste, and in the event that any consumer permits waste of water, or uses water in an improper manner, such consumers shall be notified in writing of such waste and improper use, and if after receiving such notification, such waste or improper use is continued, then the company may shut off, or cause the supply of water to be shut off from said premises.

SEC. 20. That any person or persons who shall take or use any water of said company for domestic or other purposes without having contracted for the same, with intent to defraud said company out of its revenue, shall be guilty of a violation of this ordinance, and shall upon conviction thereof, be fined not less than five dollars nor more than fifty dollars for each offence, to be enforced the same as other city penalties.

SEC. 21. In laying down the main pipes and conduits and in the general construction of said water works, the Charleston Water Works Company shall be liable for the injury to persons or property caused by negligence, mismanagement or fault of itself or its employes, and shall hold the city of Charleston harmless from any suit brought against the city as the result of such negligence.

SEC. 22. At all ditches, openings or excavations in said water company's work of construction or repairs, the said Water Works Company shall use the necessary precaution of shoring on one side or more with earth excavated, and barricade the unprotected side or sides, and place red colored lanterns along the side or sides, barricaded, and keep said lanterns lighted during the night time. The Water Works Company shall keep a night watchman at their own proper cost, who shall use due diligence in keeping said red lanterns or danger signals burning, and any person or persons tampering with said red lights, or removing them, or breaking down or removing said barricades, shall be deemed guilty of a violation of this ordinance, and fined not less than five dollars nor more than fifty dollars, to be enforced as other city penalties. Upon an application from the Water Works Company to said city, the aforesaid "night watchman" may be appointed special policeman, to be paid by the said Water Works Company, with power to arrest any person or persons caught violating this section of this ordinance.

SEC. 23. The said E. R. Davenport and associates, their heirs or assigns shall within thirty (30) days* after the passage of this ordinance file with the city clerk of this city, a written acceptance of the powers, privileges, franchises and duties conferred or imposed by this ordinance, and from and after such filing this ordinance shall be the measure of rights and liabilities of the city as well as the Charleston Water Works Company and constitute a contract between the parties, provided, that this clause shall not prohibit other persons who may be associated with said company, after filing, from joining said company and sharing in its benefits and responsibilities.

AN ORDINANCE

Amending and re-enacting sections 24 and 27 of an ordinance entitled "An ordinance to provide for the Establishment of Water Works in the City of Charleston, West Virginia," adopted November 14, 1884.

[Adopted November 13, 1885.†]

SEC. 1. *Be it ordained by the Common Council of the City of Charleston, That sections 24 and 27 of an ordinance entitled "An Ordinance to provide for the Establishment of Water Works in the City of Charleston, West Virginia," be amended and re-enacted so as to read as follows:*

SEC. 24. The Charleston Water Works Company shall begin their preliminary work of surveys, plotting their lines, locating water gates or valves, contracting materials that enter into the construction of water works within thirty (30) days after they have accepted the provisions of this ordinance as provided in section 23 and shall have the works completed and in operation on or before the 1st day of June, A. D. 1886.

SEC. 27. In the event that said Charleston Water Works Company shall fail to have said water works in operation to supply water for fire protection and other purposes mentioned in this ordinance by the first day of June, 1886, then they shall forfeit all exclusive rights and franchises pertaining to the erection of water works herein conferred (unless longer time for such completion be granted by said city) and the said city absolved from all obligations assumed to said water works company.

SEC. 25. It is further provided and ordained that the Charleston Water Works Company, for and during the term of this ordinance,

*NOTE.—Formally accepted Dec. 12, 1884; and the acceptance recorded same day.

†NOTE.—The foregoing amendment operated as an *extension* of the time in which the Water Works Company was to complete the works. By resolution of Council of Nov. 13, 1885, said extension was to be conditional upon the acceptance by said company of the amendment to section 14, adopted on June 1, 1885. The Water Works Company formally accepted said last-named amendment by resolution of said company, dated November 20, 1885, and of record in the records of the Council under date of November 20, 1885.

may charge and collect as their annual rates for the use of water, a tariff of prices equal to, but not exceeding, the annexed list:

Banks, with one basin.....	\$	15 00
Bakery, each oven.....		15 00 to 30 00
Barber shop, first chair.....		6 00
Barber shop, each additional chair.....		4 00
Bath, without heating apparatus, private.....		4 00
Bath, with heating apparatus, private.....		5 00
Bath in hotel or boarding house, first tub.....		8 00
Bath in hotel or boarding house, each additional tub.....		6 00
Bath, public, one tub, no license less than.....		15 00
Bath, public, each additional tub.....		8 00
Brewery.....		Special.
Billiard saloon, each table.....		4 00
Boarding house, per room (no license less than \$15 00)....		3 00
Book bindery.....		10 00 to 40 00
Bottling works.....		Special.
Brick work, per thousand laid.....		05
Brick yards.....		Special.
Butcher shop, (steam extra).....		10 00
Butcher shop, with sausage mill, (steam extra).....		15 00
Candy manufactory.....		15 00 to 40 00
Cigar maker's factory (no license less than \$15 00) per hand		2 00
Confectioners.....		15 00 to 40 00
Cows, each.....		1 00
Distillery.....		Special.
Dying and Scouring.....	\$	15 00 to 40 00
Forge, first fire.....		5 00
Forge, each additional fire.....		4 00
Fountains one-sixteenth inch orifice, per season of six months.....		12 00
Fountains, larger orifice.....	}	Special.
Fountains to run not more than six hours per day, and on pleasant days.....		
Halls and Lodges.....		10 00 to 25 00
Horse or mule, including washing carriage.....		4 00
Horse or mule, each additional.....		3 00
Hotels.....		Special.
Ice cream saloons.....		15 00 to 40 00
Laundry (steam extra).....		50 00 to 200 00
Meat markets. See butcher shops.....		
Offices or sleeping rooms, each.....		8 00
Oyster saloons.....		10 00 to 30 00
Printing offices, six hands or less (steam extra).....		15 00
Printing offices, each additional hand (steam extra).....		2 00
Photograph galleries.....		15 00 to 30 00
Plastering, per square yard.....		0½
Residence, occupied by one family for domestic use, one to five rooms.....		6 00

Residence, each additional room.....	1 00
Restaurants.....	15 00 to 40 00
Saloons	15 00 to 40 00
Sprinkling private lawns or gardens with $\frac{3}{4}$ inch hose, and $\frac{1}{2}$ inch nozzle, first 50 square yards, per square yard per season	04
Sprinkling private lawns, &c., all over 50 square yards, per square yard per season	02
Sprinkling carts	Special.
Sprinkling sidewalks, to centre of street, with $\frac{3}{4}$ inch hose, $\frac{1}{2}$ inch nozzle, one and a half hours per day, (no license less than \$5), per front foot per season.....	10
Sprinkling, all over 100 feet, per front foot.....	07
Stable, Livery, Sale or Boarding, six single stalls or less, including washing carriages.....	15 00
Stable, Livery, Sale or Boarding, each additional single stall.	2 00
Steam Boilers, rated per horse power, from one to five horse power, working ten hours per day.....	5 00
Steam Boilers, each additional horse power.....	4 00
Steam Boilers, working day and night.....	Double the above rates.
Stone Work, per perch.....	05
Stores and Shops.	12 00 to 25 00
Tenements, see Residences	
Theatres.....	Special.
Urinals, in private houses, self-closing, each.....	4 00
Urinals, in hotels, boarding houses and saloons, self-closing, each.....	Special.
Urinals, in stores, banks, and offices, self-closing, each ...	5 00
Urinals, size of orifice at discretion of Water Company. . .	
Water Closets, self-closing, private, each.....	5 00
Water Closets, self-closing, in hotels, &c., public, each ...	8 00
Wash Basins, each, in hotels and public.....	4 00
Wash Basins, each, in barber shops, &c.....	4 00

METER RATES.

500 gallons per day, or less, per 100 gallons	\$ 05
500 gallons to 1,500 gallons per day, per 100 gallons	04
1,500 gallons to 3,000 gallons per day, per 100 gallons.....	03 $\frac{1}{2}$
3,000 gallons to 5,000 gallons per day, per 100 gallons.....	03
5,000 gallons to 10,000 gallons per day, per 100 gallons.....	02 $\frac{1}{2}$
10,000 gallons or more per day, per 100 gallons	02

All supplies not enumerated subject to special rates. The Charleston Water Works Company reserves the right to place a meter in the pipes of any consumer. The annual rates in this section prescribed shall be paid quarterly in advance; except sprinkling rates, and fountain rates, which shall be paid for in advance for the season.

Meter rates shall be paid monthly or quarterly, at the option of the Water Works Company.

SEC. 26. In consideration of the exclusive rights, privileges and franchises, and the rates established in section 25 of this ordinance, the Charleston Water Works Company agrees to furnish and lay all services from their main pipes to the outer edge of sidewalks or inside of curb stone line on the line of their mains, and set the stop cocks, and stop cock boxes free to the consumers of water and leave the same in shape for attaching extension pipes into all premises by the owners or occupants, at said owners, or occupants' expense from said stop cocks to termination of such extension.

The said Water Works Company also agrees to furnish free during the term of this franchise the water necessary to supply three (3) public drinking fountains, to be located along the lines of the Water Works Company's mains, by the City Council, the city to purchase said fountains and be at the expense of connecting the same from the curb stone lines into locations of said fountains; the said fountains to be self-closing work, so as to prevent unnecessary waste of water. The Charleston Water Works Company also in consideration of the sum of money to be paid for hydrant rentals mentioned in section 14 of this ordinance, agrees to furnish the water free for the use of the city fire department, for sprinkling the streets in front of their building, for scrubbing floors and otherwise cleaning their building, and hose carts, engines or other apparatus, and for use of said fire department for drinking, wash basins, urinals and closets, to be plumed, furnished and fitted up with self-closing work, by and at the expense of said city. Also to furnish water free for use in basins, closets, urinals and general purposes in the city public schools, and city offices and calaboose or city jail, the said city to be at the expense of fitting, plumbing, &c., with self-closing work, and all said services from said Water Works Company, mains to be laid of three quarter ($\frac{3}{4}$) inch pipe, except in case said city may deem a larger size essential for fire protection inside of said buildings, in such case larger sizes will be laid, and fire protection shall be free to said city for her buildings, all of said plumbing work to be inspected and approved by said Water Works Company's superintendent as to designs for economical use of water as well as efficiency for service intended.

SEC. 27.* In the event that said Charleston Water Works Company shall fail to have said water works in operation to supply water for fire protection and other purposes mentioned in this ordinance by the first (1st) day of January, 1886, then they shall forfeit all exclusive rights and franchises pertaining to the erection of water works herein conferred (unless longer time for such completion be granted by said city) and the said city absolved

*This section amended. See foregoing section 27, as amended November 13, 1885.

from all the obligations assumed to said Water Works Company.

SEC. 28. All rights of way, except as herein granted, and also all condemnation suits for property, real estate for buildings, settling wells, filters or reservoirs, in which the city participates to gain or perfect a title for said Water Works Company to locate its works, or any part of its works upon, the expense of said condemnation shall be borne in full by the said Charleston Water Works Company, and without any expense to the city of Charleston. And under no circumstances shall any expense be imposed on said city by reason of the erection of said water works. Any failure on the part of said company at any time, unavoidable accidents excepted, to comply with all and every one of the requirements and agreements herein specified and set out and agreed to be done and observed on the part of the said company shall, if not complied with, after being notified thereof by said city, within a reasonable time, work a forfeiture of all the said company's rights and privileges and immunities under and by virtue of this ordinance.

SEC. 29. All ordinances or parts of ordinances inconsistent with and repugnant to the provisions of this ordinance are hereby repealed, and this ordinance shall take effect and be enforced from and after its passage.

NOTE.—The time limited for the completion of the Water Works has been extended by resolutions of Council as follows:

On May 27, 1886, until August 1, 1886.

" July 29, 1886, until September 1, 1886.

" August 24, 1886, until "one week" additional time.

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