

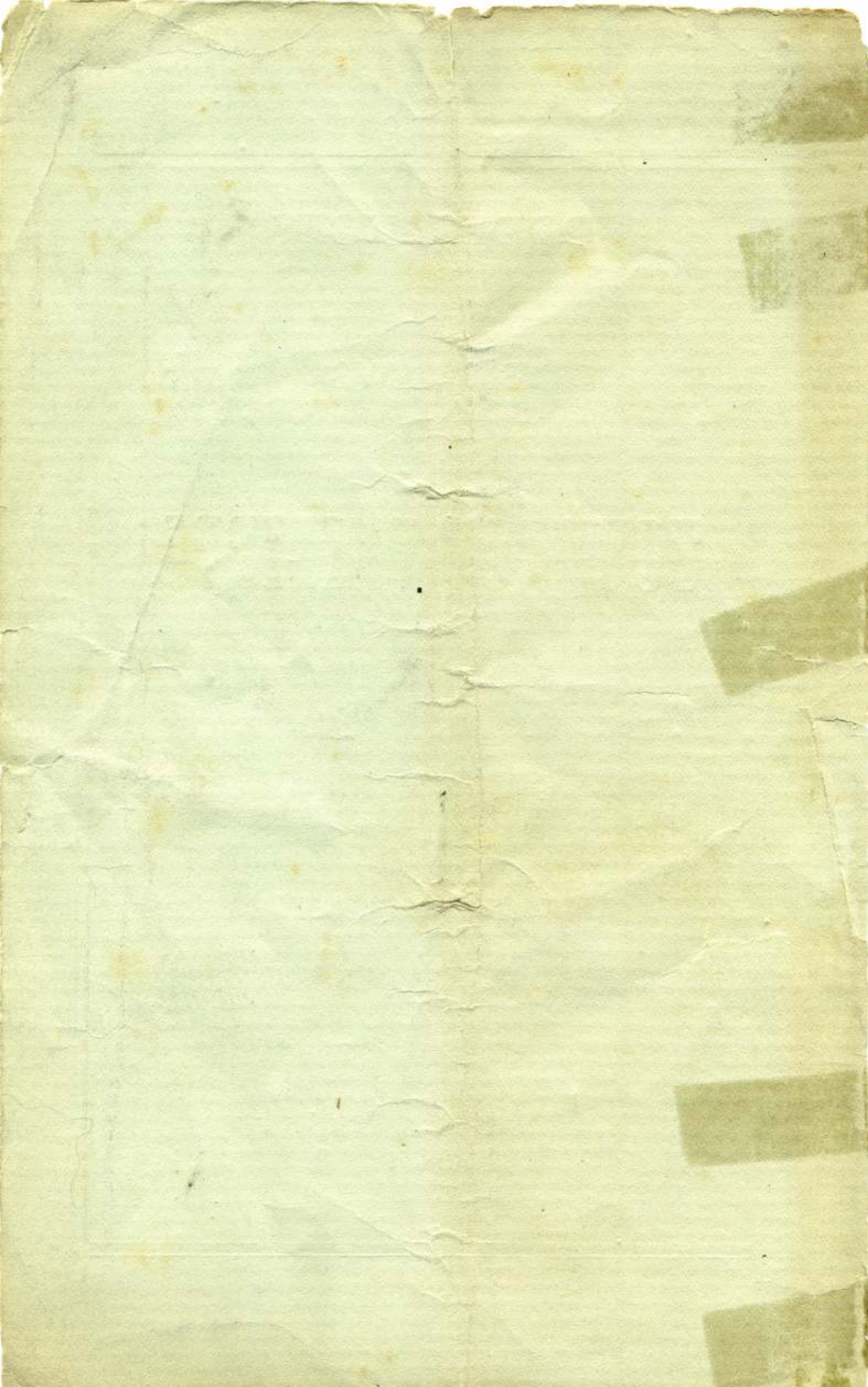
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ORDINANCES
AND
BY LAWS
OF THE
TOWN OF PHILIPPI,
BARBOUR COUNTY, WEST VIRGINIA:
TO WHICH IS APPENDED
THE ACTS OF INCORPORATION.



PHILIPPI, W. VA.
REPUBLICAN PRINT.
1885.



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MAY 1899

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OFFICERS OF THE INCORPORATION.

(For the year 1885-6, at the time of this compilation and revision.)

—◆—
MAYOR,

W. CHENOWETH

—◆—
COUNCILMEN,

DR. JOHN W. BOSWORTH,

ISAAC V. JOHNSON,

—◆—
J. HOP. WOODS. —◆—

—◆—
SERGEANT,

JOHN T. KENT.

—◆—
TREASURER,

MELVILLE PECK.

—◆—
RECORDER.

D. W. GALL.

OFFICERS OF THE INCORPORATION:
(For the year 1887-8, at the time of this compilation and revision.)

MAYOR

W. CHENEVETH

COUNCILMEN

DR. JOHN W. BOWDITCH

ISAAC JOHNSON

J. HOPWOODS

SERGEANT

JOHN T. KEENE

TREASURER

MERRILL PECK

RECORDER

D. W. GALL

ORDINANCES

AND

BY LAWS

OF THE

TOWN OF PHILIPPI,

BARBOUR COUNTY, WEST VIRGINIA:

TO WHICH IS APPENDED

THE ACTS OF INCORPORATION.



PHILIPPI, W. VA.
REPUBLICAN PRINT.

1885.

ORDINANCES

BY LAWS

OF THE CORPORATION

TOWN OF PHILIPPI

HARRISON COUNTY, WEST VIRGINIA

FORBIDDEN

THE ACTS OF INCORPORATION



PHILIPPI, W. VA.

REPRINTED AND PRINTED

1882

Preface.

The Common Council of the town of Philippi in office at the time of the compilation of the following by-laws, ordinances, &c., for the government thereof, found in existence at their first meeting a very complete, compendious and efficient series of rules and ordinances for the government of the town, passed by former Councils; but found them necessarily scattered over two or three hundred pages of manuscript record, together with all the other mass of proceedings of the Council since 1871, and therefore inaccessible readily to the public or to themselves. They unanimously deemed a revision, compilation and codification thereof necessary, and on the 20th of April, 1885, adopted the following:

Ordered that J. Hop. Woods, Esq., is hereby appointed a committee to codify, revise and report a code of laws for the town of Philippi.

On the first day of September following Mr. Woods reported the following compilation, codification and revision and thereupon the Council passed the following General Ordinances:

Be it ordained by the Common Council of the town of Philippi that on and after this date, the following compilation, codification and revision of the ordinances, by-laws and regulations of said town heretofore passed and all others herein incorporated, and none other, shall be and remain in force for the government thereof, and the same shall stand for a revision, compilation and codification thereof.

That the same shall be printed for circulation, and for the information of all concerned, and the Mayor of said town shall append thereto his proclamation thereof attested by the Recorder.

Dated September 1st, 1885.

W. CHENOWETH, Mayor.

Dr. John W. Bosworth, }
Isaac V. Johnson, } Councilmen.
J. Hop. Woods. }

D. W. Gall, Recorder.

CHAPTER 1.

Charter.

CHAP. 124.—An ACT to establish the town of Philippi at the seat of justice for the county of Barbour.

[Passed February 14, 1844.]

1. Be it enacted by the general assembly of Virginia. That so much land lying on the eastern side of the Tygart's Valley river at the place formerly known as Hite's ferry, the property of William F. Wilson, and lately selected as the seat of justice for the county of Barbour, as is contained and lies within the following boundary lines, to-wit: Beginning at a white oak bush with pointers; thence running south forty-five degrees, west eighty poles to a locust standing in Water street near the river; thence south twenty degrees, east to the river; thence up the river with its meanders to the mouth of Anglin's run, and up said run to the cross fence, and with said fence to James L. Burbridge's line, and with his line to his southeast corner; thence a straight line to the beginning, as the same has already been laid off and may be hereafter further laid off and extended into lots, streets and alleys, shall be and the same is hereby established a town by the name of Philippi.

2. Be it further enacted, That L. D. Morrall, James L. Burbridge, William Shaw, John R. Williamson and William F. Wilson, gentlemen of the county of Barbour, be and are hereby appointed trustees of the said town of Philippi, who shall, (as also their successors in office,) before they enter upon the duties of their appointment, respectively take an oath or make solemn affirmation, before some justice of the peace for the county of Barbour to execute the same faithfully and impartially to the best of their skill and judgment. And the justice administering such oath or affirmation, shall grant to the trustees taking the same, a certificate thereof, which certificate shall be delivered by the trustee to the clerk of the county court of Barbour county, to be recorded in his office. Any three or more of the trustees so qualified, and their successors in office, shall form a quorum to proceed to business under the authority of this act.

3. Be it further enacted, That it shall be the duty of the said trustees, so soon as convenient, under their own superintendence, to cause the said town of Philippi to be laid off into lots, with convenient streets, cross and back streets and alleys, and shall mark with convenient and lasting signs, the divisions, metes and bounds, the relative situation and distances, width and depth of the same, and for that purpose may employ a surveyor; and shall, so soon as the said town shall be laid off in manner aforesaid, cause a plat or drawing of the plan thereof to be made, with such remarks and explanations thereon, or thereunto annexed in writing, as they may deem necessary and

proper, and shall place the same in the clerk's office of the county court of Barbour county, and the clerk of said court shall enter the same of record, and preserve the original in his office.

4. Be it further enacted, That the trustees of said town, or any three or more of them, shall be, and they are hereby empowered, to make such by-laws and ordinances for regulating the police thereof, and for the regular building of houses therein as to them shall seem best, and the same to enforce by reasonable fines, not exceeding for any one offence the sum of five dollars, recoverable with costs, before any justice of the peace of the county of Barbour; and also to amend or repeal the same as occasion may require: Provided, however, That such by-laws and ordinances shall not be repugnant to, or inconsistent with, the constitution and laws of the United States or of this commonwealth.

5. Be it further enacted, That the trustees of said town, or any three or more of them, shall have power to abate nuisances, or cause the same to be done at the expense of those who occasion them; to improve and repair the public streets and alleys; to prevent and punish by reasonable fines, (recoverable as aforesaid) the practice of firing guns and running horses in said town: to license and regulate shows and other exhibitions; to appoint all such officers as may be necessary for conducting the affairs of said town, not herein provided for, and to allow them such compensation as they may deem reasonable; and to do or to cause to be done, all other things necessary or proper for the general good of said town, within the limits of the powers conferred by this act.

6. Be it further enacted, That in order to afford the citizens of said town at all times an opportunity of knowing the proceedings of said trustees, there shall be provided by said trustees a well bound book or books as they become necessary, in which shall be recorded, in a plain handwriting, the several certificates of the qualification of said trustees and their successors, before a justice of the peace as aforesaid, (and any justice administering such oath is hereby required to grant a certificate of the same,) all the by-laws, ordinances and other proceedings; which book or books shall be kept in said town, and be at all times accessible for the inspection of the citizens thereof, and others concerned.

7. And be it further enacted, That for the purpose of supplying vacancies in the office of trustee of said town of Philippi, hereby established, so much of the act, entitled "an act to reduce into one act all acts and parts of acts concerning the office of trustees or directors of the several towns within this commonwealth, and for supplying vacancies in the same," passed March the second, eighteen hundred and nineteen as is of a public and general nature, shall be regarded as the law in relation to the town of Philippi, hereby established.

8. This act shall be in force from and after the passing thereof.

CHAP. 4.—AN ACT to amend and re-enact the Charter and extend the corporate limits of the town of Philippi, in the County of Barbour

[Passed February 1, 1871.]

Be it enacted by the Legislature of West Virginia:

1. The corporate limits and boundaries of the town of Philippi, Barbour county, West Virginia, shall be as follows: Beginning at the mouth of Anglin's Run, and running up the same, with the meanderings thereof, to a Red Oak tree

standing in an alley between lands of Lewis Wilson and lands formerly owned by Henry A. Barron; thence with said alley to the Beverly and Fairmount turnpike road; thence crossing said road with a line of lands of Wm. P. Keyes, Lewis Wilson and Edward F. Grant to a stone bridge on the left hand branch of said run; thence to the top of the ridge above the coal bank of David F. Byrer; thence with the ridge to a corner of lands of Lair D. Morrall and Samuel Woods, in a low gap of said ridge; thence with the ridge on the lines of said Morrall's land to the Valley River; thence up said river, with the meanderings thereof, to the beginning.

2. The municipal authorities of said town shall be a Mayor, a Recorder, and three Councilmen, who, together, shall form a common council.

3. The Mayor, Recorder and Councilmen, as soon as they have been elected and qualified, as hereinafter provided, shall be a body politic and corporate, by the name of "the Town of Philippi," and shall have perpetual succession and a common seal, and by that name may sue and be sued; may appoint a town sergeant, a treasurer and commissioner of the revenue, such to continue in office during its pleasure.

4. The Mayor, Recorder and Councilmen shall be elected by the male taxpayers of said town, and shall hold office for the term of one year, and shall be residents of said town.

5. The first election under this act shall be held on the 1st Monday in April, 1871, at the Court House in said town, under the supervision of a Justice of Philippi township; and annually thereafter there shall be an election on the same day in each year, at such place and under such supervision, rules and regulations as shall be prescribed by the town council. The person presiding at each election shall forthwith grant certificates of election to the persons elected; and their term of office shall commence on the second Monday after their election and continue until their successors are qualified.

6. The common council shall have power to fill by appointment the vacancies occurring in its own body, or in the office of Mayor or Recorder.

7. All elections shall be by ballot, and in case of tie, the council shall decide between the candidates, and shall also hear and determine all contested elections.

8. The officers herein mentioned shall each within ten days after receiving the certificate of election, take and subscribe an oath that they will truly, faithfully, and impartially discharge the duties of their said offices, respectively, so long as they continue therein. The Recorder shall take such oath before some person authorized to administer the same, and shall thereupon be authorized to administer the same to the other officers, and shall keep a record thereof in the journal of the council, and if any of these officers shall fail within ten days so to qualify, his office shall be vacant.

9. A majority of the council shall be a legal quorum for the transaction of business, and may fix the salary of all town officers.

10. Upon the call of any member, the yeas and nays on any question shall be called and recorded in the journal. The proceedings of every meeting shall be signed by the person presiding, and the record of all proceedings of the council shall be open to the inspection of the voters in the town.

11. The council, so constituted, shall have power within said town to lay off, alter or improve streets, alleys or walks; to regulate the width of the same and

to keep them in order; to abate anything which, in the opinion of a majority, shall be a nuisance; to provide for shade and ornamental trees, and against fire and contagious diseases; to provide a revenue for the town, and appropriate the same; to make an annual assessment of taxable persons and property of the town; to adopt rules for its own government and the transaction of business; to appoint a sergeant, commissioner of the revenue and treasurer, and other officers if necessary, and to fill vacancies; to define the powers, prescribe the duties, fix the term of service and compensation of its appointees; require and take from them bonds with such sureties and in such penalties as it may determine, for the faithful discharge of their duties, (all bonds to be payable to the town,) and remove its appointees at pleasure; to give an additional license and require a tax on the same, for anything for which a State license is required to be done within the said town; to adopt and enforce all needful ordinances not contrary to the constitution and laws of this State, and to impose and enforce fines and penalties not exceeding the payment of one hundred dollars, or imprisonment for thirty days, under judgment and order of the Mayor, or in his absence or inability, of the person lawfully exercising its functions. The Council, with the consent of the Supervisors of Barbour county, entered of record, may use the jail of said county for its purposes.

12. The annual levy ordered by the council may be upon all male persons within said town over twenty-one years of age; all real estate and other subjects in said town at the time, assessed with State taxes: Provided, the tax do not exceed one dollar on every hundred dollars of value of real and personal property, or two dollars per head on each taxable person.

13. The Sergeant shall collect the town taxes, fines, levies and licenses, and after thirty days from the time of receiving the commissioners books, may distrain and levy therefor, in like manner as the sheriff may for State taxes, and shall in all respects have the same power to enforce the payment and collection thereof, and shall, within the limits of the town, exercise all the duties that a constable can legally exercise in regard to the collection of claims and executing an levying process, entitled to the same compensation therefor, and liable to all the fines, penalties and forfeitures, together with his sureties, that a constable is legally liable to, to be recovered in the same manner and before the same tribunals that the same are now recovered against constables.

14. The Mayor shall be the chief executive officer of the town; shall be ex-officio a conservator and justice of the peace, and shall within the town, exercise all the powers and duties vested in justices.

15. The Recorder shall keep a journal of the proceedings of the council; shall have charge of and preserve the records of the town, and in the absence or disability of the Mayor, shall be vested with his powers, so far as to hear and determine all cases affecting the government of the town.

16. The Treasurer shall have charge of all money belonging to said town, and shall pay the same out on the order of the Council, countersigned by the Mayor and Recorder, and not otherwise; and for any default or liability on the part of the Sergeant or Treasurer, the Council, in the corporate name of said town, may, on motion, after ten days notice, obtain judgment before the Circuit Court of Barbour county, on account there for, against them and their securities, respectively, or any or either of them, or their heirs or legal representatives.

17. There shall be a lien on real estate for the taxes assessed thereon from the commencement of the year of such assessment; and after having been returned delinquent for such taxes, the council may order the same to be sold or rented by the Sergeant at public auction for the arrears, and with such per centum for interest, charges and expenses as the council may prescribe, which sale or auction shall only be after thirty days notice, posted at the front doors of the Court House in said town. The council may regulate the time within and terms upon which said lands may be redeemed.

18. The said town and persons and property therein, shall be exempt from all expense or liability for taking care of the poor of the county; for the construction or repair of roads or bridges outside of its corporate limits: Provided, however, that the said town shall keep its streets and alleys in order, and take proper care of its own poor.

CHAPTER II.

An Ordinance.**Prescribing Standing Rules for the Government of the Council of the Town of Philippi.**

RULE.

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

RULE.

16. Of the previous question.
17. A division of the question.
18. When ayes and nays, to be taken and recorded.
19. Any two members may enter protest.
20. How council called.
21. Of first and second reading of an ordinance.
22. Of privileged motions.
23. Motion to adjourn always in order.
24. Motion not debatable.
25. Of the recommitment of an ordinance.
26. Of filling blanks.
27. Committees, how appointed.
28. Of standing committees.
29. The numbers of each committee.
30. The reports to be in writing.
31. Leave of absence.
32. Petitions for remission of fines.
33. Charges against town officers.
34. Order of debate.
35. Passage of ordinances.

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

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

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

RULE 4. In the absence of the Mayor, the Council may appoint a chairman or presiding officer, (provided the Recorder should be absent,) by the vote of the majority of the members present, who shall exercise all the powers, and discharge all the duties pertaining to the office of Mayor.

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

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

RULE 7. An appeal from the decision of the Mayor or chairman upon a question of order, shall be allowed to be put, only upon the demand of two members besides the appellant.

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

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

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

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

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

First, The unfinished business appearing upon the minutes.

Second, The reports from committees.

Third, Reports from any officer or any officers in town.

Fourth, Petitions for redress of grievances.

Fifth, Petitions of all other kinds.

Sixth, Original propositions from any member.

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

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

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

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

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

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

RULE 19. Any two members shall have the liberty to protest against any ordinance of the Council which they may think injurious to the public or any individual, and have the reasons of their protest entered upon the journal.

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

RULE 21. The first reading of an ordinance proposed, shall be for information;

and if objections be made, the question shall be, "Shall the proposition be rejected?" If no objection be made, or the question to reject be lost, the ordinance shall go to a second reading without further question; after which it shall be subject to amendment or debate.

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

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

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

RULE 25. An order or resolution after commitment and report thereon, may be recommitted at any time previous to its final passage.

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

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

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

On Ordinances.

On Finances.

On Streets and Alleys.

On Cemetery.

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

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

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

RULE 32. All petitions for the remission of fines shall be verified by affidavit, and accompanied by a transcript of the record of the case and a statement of the evidence, from the magistrate rendering the judgment.

RULE 33. Charges against any officer of the town, shall be preferred in writing, and verified by affidavit; and having been read, shall be laid on the table or referred to a committee for investigation without debate.

RULE 34. When a member is about to speak, he shall rise, and respectfully address himself to the Mayor. And the Mayor shall pronounce the name of the member, entitled to speak, where more than one member claims that right at the same time. But no member shall speak more than twice on the same question without leave from the Council.

RULE 35. No ordinance shall be put on its final passage, until it shall have passed its third reading.

CHAPTER III.

ORDINANCES OF THE TOWN OF PHILIPPI.**ORDINANCE I.****CONCERNING ELECTIONS.**

- | | |
|-----------------------------------|-------------------------------|
| Sec. 1. Time and Place. | Sec. 4. Polls. |
| Sec. 2. Commissioners and Clerks. | Sec. 5. Result declared. |
| Sec. 3. Voters, who are. | Sec. 6. Vacancy. |
| | Sec. 7. Contests, when heard. |

SEC. 1. The annual Town election shall be held on the first Monday in April at such place within the corporate limits as the Council may by resolution designate. Special elections for special purposes may be held at such time and place as the Council may designate.

SEC. 2. The Council shall from time to time appoint three discreet freeholders, residents of the town, Commissioners to hold and conduct elections, and also two Clerks to assist said Commissioners. If any of the persons so appointed fail to attend or refuse to act, then the Commissioners in attendance, if any, and if not, the Mayor shall supply the vacancy. Poll books, tally sheets and ballot boxes shall be furnished by the Reorderer.

SEC. 3. The qualified voters of the county resident within the corporate limits shall be entitled to vote at all town elections and for all elective officers. Notice of the time and place of holding any election shall be given by proclamation of the Mayor printed in some newspaper, published within the town, for at least ten days prior to such election.

SEC. 4. The Commissioners shall open the polls at sunrise or as soon thereafter as practical and shall close the same at sunset. They shall then proceed to count the ballots and ascertain the result of the election and shall certify the same to the Council.

SEC. 5. The Council shall within ten days after the election meet and examine the return of the Commissioners, declare the result and cause certificates to be issued to the successful candidates who may immediately, or within ten days thereafter, take the oath prescribed by law. Notice of the time and place of such meeting of the Council shall be given to the various candidates by the Mayor. If the Mayor elect be present at the closing of such meeting he shall, immediately after the result is declared, take the oath and enter upon the duties of the office. The proceedings of such meeting shall be kept and entered upon the journal, as the proceedings of other meetings, and having been read and corrected, if necessary, at the next ensuing meeting, shall be signed by the incoming Mayor.

SEC. 6. If any person elected to an office shall fail to qualify within the time required by this ordinance he shall be deemed to have abandoned any claim to the office and the Council shall proceed at once to fill the vacancy.

SEC. 7. Before proceeding to declare the result of any election the Council shall hear and determine any contest. If any person desires to contest any

election he shall file notice thereof with the Recorder within two days after such election and shall give a similar notice to the party affected thereby. The Mayor shall thereupon at once convene the Council to hear and determine such contest. Fraudulent practices in connection with any election on the part of any candidate shall vitiate his election, and the Council may declare his opponent elected or the office vacant and proceed to fill it as in case of other vacancies. Peace and good order shall be preserved at the polls and no intimidation or bribe shall be used to influence any voter.

ORDINANCE II.

CONCERNING OFFICERS, DUTIES, FEES, &C.

SEC. 1. Appointment.
 SEC. 2. Powers and Oath.
 SEC. 3. Mayor.
 SEC. 4. Recorder.
 SEC. 5. Sergeant.
 SEC. 6. Treasurer.
 SEC. 7. Sexton.
 SEC. 8. Police.

SEC. 9. Settlements.
 SEC. 10. Finance Committee.
 SEC. 11. Street Committee.
 SEC. 12. Ordinance Committee.
 SEC. 13. Cemetery Committee.
 SEC. 14. Salaries and Fees.
 SEC. 15. Neglect of Duty.

SEC. 1. The Council shall annually at the first meeting in April, or as soon thereafter as practicable, appoint a Sergeant, Treasurer, Sexton, and other such officers as may be deemed proper, to continue in office at its pleasure. All officers shall continue in office until their successors are duly qualified. Vacancies in the office of Councilman or Mayor shall be filled by the Council until the next regular election.

SEC. 2. The duties and powers of the various officers shall be as prescribed by the Charter except as modified by ordinance or resolution of the Council. Before entering upon the discharge of his duties every person elected or appointed to an office shall take an oath to support the constitution of the United States and the constitution of this State, and to perform the duties of his office to the best of his skill and judgment. The oath shall be taken before the Mayor or any person authorized to administer oaths, and a certificate thereof shall be filed with the Recorder.

SEC. 3. The Mayor under the advice of the Council shall have general supervision of all town officers, and shall see that they faithfully perform the duties of their respective offices. He shall be the keeper of the seal of the town, and affix the same when necessary or required by ordinance to any deed or other paper. In his absence or disability from sickness or other cause, the Recorder shall act as Mayor pro tempore. And in the absence or disability from sickness or other cause of both Mayor and Recorder, any member of Council present in town and able for duty, shall discharge the duties of the office if called upon to do so.

SEC. 4. The Recorder shall be the custodian of the records, bonds, books, papers, plats, &c. belonging to the town, except in cases otherwise provided. Said books and papers shall always be open to the inspection of the citizens and taxpayers of the town.

SEC. 5. The Sergeant shall collect the town taxes, fines and licenses and per-

form such other duties as are prescribed by the Charter or any ordinance or resolution of the Council, or that may be required by the Mayor. Before entering upon the duties of his office he shall execute before and file with the Recorder, subject to the approval of the Council, a bond in the penalty of \$1,000, with good personal security.

SEC. 6. The Treasurer shall have charge of the funds of the town and shall pay out the same only upon the order of the Council. Before entering upon the duties of his office he shall execute with good personal security and file with the Council a bond in the penalty of \$1,000. He shall keep a book showing his receipts and disbursements by separate items, which shall always be open to the inspection of the Finance Committee. The fund realized from the sale of cemetery lots shall be kept separate and distinct from the general funds of the town. He shall furnish the Council monthly statements when required. All orders on the treasury shall be signed by the Mayor and countersigned by the Recorder, and shall be subject to the payment of any taxes, licenses, fines or any other debt due from the payee to the town. The Sergeant may take up any order on the Treasurer when it may be necessary to secure any taxes, licenses or any other debt or obligation due the town. Neither the Treasurer or Sergeant shall shave or discount any order. In case either of said officers do shave or discount any order he shall be liable to a fine for malfeasance in office and shall be required to pay the amount of such shave or discount into the town treasury. The informer in such cases shall be entitled to one-half the fine.

SEC. 7. The Sexton under the advice and control of the Cemetery Committee shall have charge of the corporation cemeteries, and may arrest and take before the Mayor any person found committing any act of vandalism, trespass or depredation therein. He shall superintend the digging of all graves and shall keep the road and passways free and clean from all obstructions. He shall have charge of any unsold lots and may sell the same and shall see that the purchase money is paid or secured to be paid before a grave is dug thereon. Deeds for cemetery lots shall be written by the Recorder, signed and acknowledged by the Mayor and shall have the corporate seal affixed thereto.

SEC. 8. The police Sergeants, their deputies and assistants shall see that peace and good order are preserved, both night and day, throughout the town; shall prevent the breach of any ordinance, if possible, and shall arrest the offenders promptly. They shall, under the supervision of the Mayor, have charge of the lock-up, and shall see that the same is kept free from filth, and in good order and safe repair. They shall, when on duty, wear such uniform as may be prescribed by resolution of the Council.

SEC. 9. Every officer whose duty it is to collect or pay out any of the funds of the town, shall annually on or before the first day of March, in each year, lay a statement of his receipts and disbursements together with his vouchers, before the Finance Committee, who shall carefully examine the same, and shall make report thereof to the Council at its next meeting. Such report, when found correct and approved by the Council, shall be recorded by the Recorder. The Council may, from time to time, require any officer to make such reports or settlements as may be deemed necessary.

SEC. 10. The Finance Committee shall have charge of the financial affairs of the town. They shall examine all accounts to see that they are correct, report

on all bonds, make settlements with the various officers, annually make up and report the necessary expenditures, and levy and perform any duty that may be required of them by the Council.

SEC. 11. The Street Committee shall have charge of the streets, alleys, sidewalks, culverts, sewers, bridges and other property of the town. They shall see that the same are kept free from obstruction, clean and in good repair. They shall, from time to time, recommend such improvements as ought to be undertaken by the Council, and report the probable expense thereof and perform such other duties as may be required.

SEC. 12. The Ordinance Committee shall have charge of all legal matters, shall draft, examine and recommend necessary ordinances, orders, resolutions and rules, and perform such other duties as may be required.

SEC. 13. The Cemetery Committee shall have charge of all matters relating to cemeteries, shall see that the Sexton properly performs the duties of his office, recommend improvements to be undertaken in the cemeteries, and prescribe regulations to be observed in laying out lots, setting out shade trees and in digging graves, and perform such other duties as may be required of them.

SEC. 14. The following fees and salaries shall be paid out of the town treasury, to-wit:

MAYOR,	Such compensation as may be fixed by Council from time to time.
RECORDER,	Such compensation as may be fixed by Council from time to time.
TREASURER,	Such compensation as may be fixed by Council.
SEXTON,	Such compensation as may be fixed by Council.
POLICEMAN,	Such compensation as may be fixed by council.
SPECIAL POLICEMAN,	Where the order or resolution of the Council making the appointment does not fix a different compensation, fifteen cents per hour for every hour actually and necessarily engaged.
COMMITTEEMAN,	Twenty-five cents per hour for every hour actually and necessarily employed.
SERGEANT,	For collecting fines and licenses, five per centum. For collecting the tax levy, five per centum for the first three thousand dollars collected and two per centum on the residue collected. When any money is collected by any other officer and paid into the treasury, the Sergeant shall not be entitled to commission thereon.
SEXTON,	Five per centum commission for selling and accounting for cemetery lots.

Witnesses for the town shall be allowed the same fees as witnesses before Justices of the Peace. Fees not to be paid out of the treasury.

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

The Mayor, for all services in a case before him where there is no defense, one

dollar; where defense is made and a trial is had, two dollars; for making transcript of record in case of appeal or certiorari, one dollar.

The Sergeant or other police officer for making an arrest, one dollar, where the body is actually taken and for each necessary assistant, one dollar. For other services, the same fees as a constable for similar services.

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

The Sexton, for digging graves, not to exceed three dollars, except in case of an infant or small child under six years of age, a sum not exceeding two dollars may be charged.

SEC. 15. Any officer who shall knowingly neglect any of the duties of his office as prescribed by the Charter of the town, ordinance or resolution of the Council, shall on conviction thereof before the Mayor or a Justice of the Peace, forfeit and pay a fine of not less than one nor more than twenty dollars. In case of the Mayor or a Councilman, the fine may be imposed on conviction by the Council and bededucted from the salary or compensation of the offender: Provided that such fines imposed in any one year shall not exceed the salary or compensation of the office for that year.

ORDINANCE III.

CONCERNING PROCEEDINGS FOR THE ENFORCEMENT OF FINES.

SEC. 1. Summons or Warrant.
SEC. 2. Summons, when.
SEC. 3. Trial.
SEC. 4. Warrant, when.
SEC. 5. Contempts.

SEC. 6. Conduct of Officers.
SEC. 7. Neglect of Officers.
SEC. 8. Execution of Process.
SEC. 9. Execution of Fines.
SEC. 10. Remission of Fines.

SEC. 11. Mayor's Docket and Fines, how paid.

SEC. 1. Proceedings for the enforcement of all fines shall be by summons or warrant of arrest issued by the Mayor or a Justice of the Peace, except where an offense is committed in the presence of any police officer, member of the Council or the Mayor, such officers may cause the offender to be immediately apprehended without summons or warrant, and in all cases where any offender is likely to escape beyond the jurisdiction of the town authorities, such offender may be at once arrested and detained in custody or imprisoned in the lock-up until a proper warrant can be obtained.

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

SEC. 3. If the accused appear at the time of the return, the matter shall be at once tried unless for good cause a continuance is granted. If the accused fails to appear after the summons has been duly served, and a reasonable time has

elapsed between the service and return day, the Mayor or Justice shall examine the evidence and render a judgment for a reasonable fine as though the accused had appeared and pleaded. The Mayor or Justice may set aside any judgment and grant a rehearing for good cause within fourteen days after the judgment is rendered. A party charged with an offense may appear without a written summons and submit himself to the jurisdiction of the Mayor; in such case the trial shall proceed as though summons had been served.

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

SEC. 5. For any abusive or contemptuous language or conduct towards the Mayor or other officer while in the discharge of his official duties, any person may at once be apprehended without warrant and adjudged to pay a fine of not exceeding one hundred dollars and be imprisoned in the lock-up or county jail not exceeding thirty days.

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

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

SEC. 8. For the purpose of executing any warrant of arrest, *capias pro fine* or other execution or order of the Mayor or Council, or of preventing the commission of any offense or arresting a person in the act of committing an offense or a fugitive from justice or for the purpose of abating any nuisance it shall be lawful for the Mayor or any Sergeant or police officer to enter any building, house outhouse, garden, lot or place of amusement.

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

✓ SEC. 10. The Council will, on a proper application, remit in part or in whole

any fine or penalty which shall be made to appear plainly unjust, illegal or excessive. Petitions for the remission of fines shall be in writing, and set out the evidence and grounds for the application, and be accompanied with the necessary affidavits to establish the truth of the allegations therein contained. Such petitions shall be referred to the ordinance committee for their careful investigation and report before being acted on by the council.

SEC. 11. The Mayor shall keep a record of all proceedings before him in a docket to be furnished by the Council which shall always be open to public inspection. He also shall receive all fines and pay them to the Treasurer, and take his receipt therefor, and shall annually, on or before the first day of March in each year, lay a statement of the fines imposed and collected and the disposition thereof before the finance Committee.

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

ORDINANCE IV.

CONCERNING OFFENSES AND THEIR PUNISHMENT.

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| SEC. 1. General Prohibition. | SEC. 31. Bathing. |
| SEC. 2. Bad Conduct, Profanity. | SEC. 32. Selling Provisions. |
| SEC. 3. Public Indecency, Drunkenness. | SEC. 33. Poisoning Springs. |
| SEC. 4. Indecent Pictures, Prints, &c. | SEC. 34. Contagious Diseases. |
| SEC. 5. Riot, Noise, Tumult. | SEC. 35. Nuisances. |
| SEC. 6. Assault and Battery. | SEC. 36. Blowing Whistles. |
| SEC. 7. Idleness and Vagrancy. | SEC. 37. Cleaning Engines. |
| SEC. 8. Annoying Conduct. | SEC. 38. Posting Bills. |
| SEC. 9. Injuring Property. | SEC. 39. Moving Trains. |
| SEC. 10. Swindling. | SEC. 40. Animals going at Large. |
| SEC. 11. Receiving Stolen Goods. | SEC. 41. Fowls going at Large. |
| SEC. 12. Slop Waters &c. | SEC. 42. Killing Birds. |
| SEC. 13. Obstructing Streets &c. | SEC. 43. Sunday. |
| SEC. 14. Obstructing Sewers and Gutters | SEC. 44. Church Goers. |
| SEC. 15. Digging up Streets &c. | SEC. 45. Disorderly Behavior. |
| SEC. 16. Obstructing Side Walks &c. | SEC. 46. Church Doors. |
| SEC. 17. Cellar and Area Doors. | SEC. 47. Disturbing Public Gatherings. |
| SEC. 18. Playing on Streets &c. | SEC. 48. Houses of Ill-fame. |
| SEC. 19. Racing. | SEC. 49. Lewd Women. |
| SEC. 20. Slaughter House. | SEC. 50. Prostitution. |
| SEC. 21. Burning Shavings. | SEC. 51. Fornication. |
| SEC. 22. Cess Pools and Privy Vaults. | SEC. 52. Gaming. |
| SEC. 23. Firing Guns. | SEC. 53. Gambling Rooms. |
| SEC. 24. Powder. | SEC. 54. Betting. |
| SEC. 25. Cruelty to Animals. | SEC. 55. Without License. |
| SEC. 26. False Alarm of Fire. | SEC. 56. Interfering with Officers. |
| SEC. 27. Lanterns and Stables. | SEC. 57. Dangerous Chimneys, Roofs, &c |
| SEC. 28. Unlawful Weapons. | SEC. 58. Abatement of Same. |
| SEC. 29. Minors. | SEC. 59. Punishment for Offences. |
| SEC. 30. Bridges, Riding on. | |

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

SEC. 2. It shall be unlawful for any person to commit or perpetrate any inde-

cent, immodest, lewd or filthy act or to utter any lewd, filthy or profane language in any street, alley or other public place or in any private place to the annoyance of the public.

SEC. 3. It shall be unlawful for any person to make any indecent or immoral exhibition or exposure of his person or to cause or procure any person to do the same in the presence or view of any other person or to appear on any street, alley or other public place in a state of intoxication or drunkenness.

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

SEC. 5. It shall be unlawful for any person to commit or cause any riot, noise disorder or tumult or loud personal abuse of any person by words to the disturbance or tending to the disturbance of the peace or quiet of the town, or at any time or place to use any insulting or abusive language towards any person or to use, utter, print or publish of, to or concerning any person any libelous or slanderous words, innuendoes or expressions that tend to a breach of the peace, except for good motives or justifiable ends.

SEC. 6. It shall be unlawful for anyone to commit an assault or battery or aid and abet or encourage anyone in so doing.

SEC. 7. It shall be unlawful for any person or persons to idly loiter upon, at, or near, any bridge, dwelling house, ordinary or coffee house, street, alley, or sidewalk, or in any vacant lot or board yard or to wander about the streets by day or night, not having a known place of abode or means of livelihood and not able to give a satisfactory account of himself; or to be found in any gambling house or room reputed to be used for the purpose of gambling therein. But if the person found in the house or room so reputed shows in defence that the house or room is not a gambling house or room, but is used entirely for other purposes, he shall be acquitted.

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

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

SEC. 10. It shall be unlawful for any person to practice any trick, game or device with intent to swindle, or to pick or attempt to pick or to aid in picking

pockets, to set fire to any building, to break into the same, or to have tools or instruments for such purposes.

SEC. 11. It shall be unlawful for any person knowingly to buy or traffic in or receive any property from any person not the lawful possessor of such property.

SEC. 12. It shall be unlawful for any person to throw water, slop, offal, ashes, shavings, coal, cinder, mud, dung or other filth from his house, kitchen, stable, hog pen or premises, into or upon any street, alley, or public square, or the lot or property of another, or to permit or suffer the same to be done by any person in his employment or belonging to his family, nor allow any offensive liquid to be discharged from any house, factory or lot upon any street, alley or sidewalk. Nor shall any person suffer or permit the waste water from his house or kitchen to run or flow upon the property of another or into or upon any street, alley or public square where there are sewers upon such street, alley or public square, accessible to such house. In no case shall the waste water be allowed to run over the side walks, but the owner of the property shall provide the necessary means to carry such waste water under the side walk into the sewer or gutter by a closed drain or piping. Nor shall any person change the natural drainage so as to throw the water from his lot on to the lot of another without such other's permission or on to the streets, alleys, or public squares, without the permission of the Council.

SEC. 13. It shall be unlawful for any person to obstruct any street, alley, sidewalk or public square by allowing any wagon, cart or other vehicle, or any coke, wood, ashes or any other filth, or any brick, stone or other material being used in building or any incumbrance whatever, to remain on such street, alley, sidewalk or public square an unreasonable time. It shall be unlawful to sell at public auction (officers of the law excepted) any goods, wares and merchandise on the streets and sidewalks or to lead or drive any animals or vehicles, or to roll wheelbarrows on any sidewalks, except in cases of necessity or to shoe horses or other work animals thereon, or to negligently permit any such animals or vehicles to stand on any sidewalk or street crossing or to obstruct the streets, alleys and sidewalks for any purpose whatever unnecessarily.

SEC. 14. It shall be unlawful for any person to obstruct any sewer or gutter, or to allow any cess-pool or privy vault to empty therein.

SEC. 15. It shall be unlawful for any person to dig or break up any of the streets, alleys, sidewalks or public squares without permission of the Council, or to allow any excavation in a street, alley, sidewalk or public square, to remain open without proper barricades around the same, or erect, or construct, or build, around any lot or parcel of ground, or any part thereof, adjoining any public street, or alley, or between said parcel of ground and any adjoining parcel, owned by another, without the consent in writing of such other person, any wire barbed fence, so called or any other wire fence whereby any person or any horses, cattle, or other live stock are liable to be killed or injured, by running or being driven against the same, and every such fence so erected in violation of this ordinance, is hereby deemed a public nuisance.

SEC. 16. It shall be unlawful for any person, without the permission of the Council, to obstruct the streets, alleys, or sidewalks in any manner to any extent by building porches, porticos, verandas, balconies, bay or show windows, steps, arenas, fences, walls or railings, or erecting sign posts, signs, lamps, hitch

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

SEC. 17. It shall be unlawful for any person to allow any cellar or area door, window or coal hole, opening up in a sidewalk, street or alley, to be kept open at any time between twilight in the evening and daylight in the morning, without being properly protected and lighted.

SEC. 18. It shall be unlawful for any person to fly a kite, roll a hoop, play at foot-ball, base ball, bawdy or shinny, or to carelessly ride or drive any bicycle or tricycle, or engage in any play, sport or exercise, which might produce any bodily injury to any one or endanger the life or property of any person, on any street sidewalk, landing, bridge, alley or public square.

SEC. 19. It shall be unlawful for any person to gallop any horse, gelding, mule, or ass, or ride or drive any such animal at any improper and dangerous speed, or run or race any such animal or start the same for the purpose of running or racing within the alleys or streets; or to suffer any such animal to stand on any street, alley, road or public square without being properly fastened, or being watched by some person competent to prevent the same from starting, or to hitch any horse, mule, or other live stock to any fence or ornamental trees, or to drive or ride the same upon any sidewalk or pavement, or to make a public display or exhibition of a stallion, or jack upon any street, or alley.

SEC. 20. It shall be unlawful for any person without the permission of the Council to keep any slaughter house, or to kill or slaughter for sale any animal within the jurisdiction of the town, and every day such slaughter house shall be so kept shall constitute a capital offense.

SEC. 21. It shall be unlawful for any person to burn or cause to be burned any shaving, or other combustible in any part of the streets, alleys, public squares or any yard, except workmen whose business necessarily requires outdoor fires; nor then, if in the opinion of any two respectable housekeepers, any building might be thereby endangered. Nor shall any person boil tar, oil, or varnish within twenty feet of any building.

SEC. 22. It shall be unlawful for any person to remove the contents of any cess pool or privy vault through the street; except in the night time after business hours. And every cart or other vehicle used in the removal or transportation of the contents of any cesspool or privy vault, shall be so constructed as to be watertight, and securely covered so that no odor nor any part of the contents shall escape.

SEC. 23. It shall be unlawful for any person, without a written permit from the Mayor, to fire or discharge within the corporate limits, any cannon, gun, pistol, or firearms of any kind, or rocket or fireworks, except in case of necessity, or in discharge of a public duty, or at a military parade by order of the officer in command.

SEC. 24. It shall be unlawful for any person to keep in any shop, store or warehouse, or other house or building, without special permission from the Council,

a greater quantity of powder at any one time than twenty-five pounds, or any other explosives in dangerous quantities.

SEC. 25. It shall be unlawful for any person to abuse any animal by any cruel or inhuman treatment. Nor shall any person keep a cock-pit or cause any game cocks to fight, or permit the same done on his premises.

SEC. 26. It shall be unlawful for any person to wilfully cause a false alarm of fire, or cry "fire," or ring any bell, or do anything tending to create a false alarm of fire.

SEC. 27. It shall be unlawful for any owner or occupant of any livery or other stable, or of any outhouse that may contain hay, straw or other fodder, or for any person in his employment, or any other person, to use or carry therein any lighted candle or other light unless the same be secured within a tin, horn or glass lantern.

SEC. 28. It shall be unlawful for any person to carry about his person any slung shot, colt or knuckles of lead, brass or other metal or material, or any pistol, revolver, dirk, bowie-knife or weapons of the like kind without a written permit from the Mayor, but the mere carrying of a revolver or pistol home from the store where purchased, or to and from a shop for repairs, shall not be deemed a violation of this section.

SEC. 29. It shall be unlawful for any person to sell or give away to a minor, without the consent of his parents or guardian, any slung shot, colt or knuckles of lead, brass or other metal or material, or any pistol, dirk, bowie knife or weapon of like kind, or any intoxicating liquors, powder, or other explosives, or for any person without such consent to sell, give or offer to any child, under the age of ten years, for its own use, any snuff, cigars or tobacco.

SEC. 30. It shall be unlawful for any person to ride or drive on any bridge faster than a walk.

SEC. 31. It shall be unlawful for any person to bathe in that portion of the Tygarts Valley River within the jurisdiction of the town, from sunrise until one hour after sunset.

SEC. 32. It shall be unlawful for any person to sell any diseased, corrupted, adulterated or unwholesome provisions, whether food or drink, without making the same known to the buyer.

SEC. 33. It shall be unlawful for any person to knowingly or wilfully throw or cause to be thrown into any well, cistern, spring, brook, or branch of running water which is used for domestic purposes, or into the Tygarts Valley River within or above the town, any dead animal's carcass, or put therein the contents of any cess-pool or privy vault, or any other putrid, nauseous, offensive or poisonous substance.

SEC. 34. It shall be unlawful for any person to bring into the town any person infected with any contagious or infectious disease, or the corpse of any person who died of such disease, except it be a citizen thereof. And in case a citizen, or corpse of any citizen so infected, shall be brought into the corporate limits, such person shall give immediate notice thereof to the Mayor, Policeman or some member of the Council, and upon failure of any such person to give such notice he shall be deemed guilty of an offense.

SEC. 35. It shall be unlawful for any person to allow on his premises, or under or in any of his buildings, any dead animal, putrid or decaying substance, manure, dirt, or filth of any kind that produces an unpleasant odor or taints the air. And if any animal, the property of any person, shall die, the owner thereof shall remove and bury it at least three hundred yards beyond the corporate limits, and at least two hundred yards from all dwelling houses; on failure to do so, such owner shall be deemed guilty of an offense. Nor shall any person kill any animal and allow it to remain within the corporate limits so as to become a nuisance.

SEC. 36. It shall be unlawful for any person to blow a locomotive whistle, except where life or property is endangered, or to allow an engine under his charge to blow or pop-off unnecessarily, or to run such engine with or without a train attached within the corporate limits, at a greater rate of speed than six miles per hour and without at the same time ringing his bell.

SEC. 37. It shall be unlawful for any railroad company to permit an employee, or for any employee on his own responsibility, to clean or blow out the extension front of any engine, without confining the dust, ashes and cinders in such manner as to prevent them from being an annoyance to individuals or the public.

SEC. 38. It shall be unlawful for any person to post any written or printed notices or bills, or nail up any board or tin advertisement, or paint any such advertisement, or show pictures on any bridge, building, fence, wall or lamp or sign post without the consent of the owner thereof; or to tear down, mutilate or destroy any such advertisement, notice or bill, lawfully posted or painted.

SEC. 39. It shall be unlawful for any person to attempt to, or get on a railroad engine, car or train while the same is in motion, unless such person is an officer or employee of the railroad company or requested or authorized to do so by the person having charge of such engine, train or car.

SEC. 40. It shall be unlawful for any owner to allow any horse, mule, cattle, sheep, hog, goat, or other domesticated animal or wild beast to go at large unrestrained within the corporate limits. And it shall be lawful for any officer to impound any such animal found going at large until the owner thereof can be ascertained, if he be unknown, and until the costs and fine imposed, if any, together with the expense of keeping and feeding such animal, be paid, and if the same be not paid within ten days, it shall be the duty of the officer to sell the same in the manner that sales are made under execution.

SEC. 41. It shall be unlawful for any owner to allow his chickens, or other fowls, cat or dog, to run at large to the annoyance of his neighbors or the public. And if any owner have notice that his chickens, or other fowls, cat or dog, while running at large are annoying any neighbor, he shall be deemed guilty of offending against the provisions of this section, unless he immediately confine said chickens or fowls, or cat or dog; and the allowing of any female dog to go at large during her running season shall be deemed an offense within the meaning of this section. If any of the animals mentioned in this or the preceding section do any damage to any person, other than the owner thereof, or to the property of another, or to any shade or ornamental tree, shrub, or bush, growing in any street, alley or public square, while going at large, the owner thereof shall be liable to an additional fine.

Sec. 42. It shall be unlawful for any person to catch, kill, or to pursue with such intent, any sparrow, robin, blue bird, martin, thrush, mocking bird, swallow, oriole, red bird, grosbeak, cat bird, chewit or ground robin, pewee or pholbe bird, nut hatch. creeper, yellow hammer or flicker, warbler or finch. mavis red start, dummock, nightingale, cross bill or corn crane, Hungarian robin, great tit or blue tit, humming bird, or any other small bird, or destroy or disturb the eggs of any such bird.

Sec. 43. It shall be unlawful for any person on the Sabbath to catch marbles, pitch quoits, or engage in any game or sport, utter loud cries, quarrel, riot, hunt, fish or sell goods, wares, merchandise, or intoxicating drinks, or engage in any common labor or secular business, other than works of necessity, except such persons as conscientiously observe Saturday as Sabbath. Nor shall any person expose clothing or other articles of merchandise on Sunday by hanging the same outside the door of any house where such article is kept for sale or placing the same on any of the sidewalks. The delivery of the mails or of Sunday newspapers shall not be held a violation of this section.

Sec. 44. It shall be unlawful for any person wantonly to molest or insult any person whomsoever when going to or returning from a religious meeting.

Sec. 45. It shall be unlawful for any person to behave rudely or disorderly in or near any church, meeting house, or place of religious worship.

Sec. 46. It shall be unlawful for any person to idly loiter at or near the door of any church, meeting house, or place of public amusement, and not depart thence peaceably and quietly when requested so to do.

Sec. 47. It shall be unlawful for any person to disturb any religious meeting, or congregation, or singing school, exhibition, examination, concert, or theatrical or other public or private entertainment, by any boisterous, rude, or ungentlemanly conduct. Any officer or citizen present at any such place may arrest, or cause the arrest of any person committing an offense against the provisions of this section. If any officer or citizen so present is unable to arrest the offenders on account of their number it shall be the duty of such officer or citizen to take their names and at his earliest opportunity furnish the same to the Mayor, who shall at once begin proceedings against each for the offense charged. Any officer who shall neglect his duty under this section shall be deemed guilty of an offense.

Sec. 48. It shall be unlawful for any person to keep a house of ill-fame, or bawdy or assignation house, or for the owner of any property, or his agent, to allow such house to be kept in any premises under his ownership or control. All such houses are hereby declared to be public nuisances and shall be abated and closed, by order of the Mayor, for a period not exceeding thirty days, whenever their existence is established by competent evidence. The owner or person having control of any property in which such house is kept shall be presumed to have knowledge of the house there kept unless such owner or person shall show by affirmative testimony his ignorance of the nature of the house there kept, and agree to prevent its continuance by requiring the offenders to vacate the property.

Sec. 49. It shall be unlawful for any person to knowingly associate with or harbor lewd and dissolute women, or to idly loiter about common ordinaries,

restaurants or dram shops, or for the proprietor of any such places to allow any drunkenness, public lewdness, obscenity, or any conduct that disturbs the peace and quiet of the neighborhood.

SEC. 50. It shall be unlawful for any persons to assemble on any bridge, street, alley, or public place, or in any house or out-house, board-yard or other yard, for the purpose of prostitution, lewdness, or indecency. It shall be unlawful for any prostitute to be in any such place between sundown and sunrise. If any person be found loitering or lounging about a house reputed to be a bawdy house, or house of ill-fame, he shall be deemed guilty of an offense, unless such person show in defense that such house is not a house of ill-fame or a bawdy house.

SEC. 51. It shall be unlawful for any persons not married to each other to lewdly or lasciviously associate, and cohabit, or to be guilty of adultery or fornication.

SEC. 52. It shall be unlawful for any person to play at, or bet on any game, in or by which money, or other thing of value, may be won or lost; or for any person whomsoever to keep, or exhibit any table, instrument, device, or thing whatsoever, used for the purpose of gaming, or on or with which money or other articles may be lost or won.

SEC. 53. It shall be unlawful for any person to keep a room, building, arbor, booth, stand, shed, tenement, water-craft, railroad car, or float, or to rent the same, the same to be used or occupied for the exhibition or keeping of any such table, instrument, device or thing, or for playing therein, or thereon, any such game as is prohibited by the preceding section. If the owner or lessee of any room, building, arbor, booth, stand, shed, tenement, water-craft, float or railroad car, shall know that any table, instrument, device, or thing, used for the purpose of gaming, is kept or used in or about the same, or that any game of chance or skill, by, or at which money, or other thing of value, may be lost or won, is being played therein or thereon, and shall not forthwith cause a complaint to be made against the persons so using the same or playing at, or suffering the playing of any such game therein or thereon, such owner or lessee shall be taken, held and considered to have knowingly permitted the same to be used and occupied for gaming, and shall be deemed guilty of an offense against the provisions of this ordinance. All such tables, instruments, devices, or things, being used for the purpose of gaming, may be seized and destroyed by any of the officers of the town.

SEC. 54. It shall be unlawful for any person to buy, sell, or be interested in any lottery ticket or lottery, or to bet or wager money, or other thing of value, on any election or on anything whatsoever. And the money or other thing so bet shall be forfeited to the town and it shall be the duty of the stakeholder to turn the same over to the Mayor to be paid into the town treasury. And if any stakeholder or other person having charge of any money or other thing on a bet or wager, refuse, or neglect to turn the same over to the Mayor, as heretofore required, such stakeholder or other person shall be deemed guilty of an offense.

SEC. 55. It shall be unlawful for any person to follow any employment or business for which a town license is required without first having paid the license.

SEC. 56. It shall be unlawful for any person to hinder, or resist, or attempt to prevent or deter, by threats, menaces, force or otherwise, any officer of the town

from properly discharging the duties of his office, or to refuse, when called upon, to assist any such officer in making an arrest or quelling a riot.

SEC. 57. It shall be unlawful for any person to allow any dangerous chimney, roof or building to remain on his premises after notice to repair or remove the same has been given by the Sergeant.

SEC. 58. Any dangerous chimney, roof or building may be abated by the Mayor, as a nuisance, at the expense of the owner of such nuisance.

SEC. 59. If any person knowingly, but not wilfully, commit any of the offenses prohibited or enumerated in this ordinance, he shall forfeit and pay a fine of not less than one nor more than ten dollars.

If any person knowingly and wilfully, but not maliciously, commit any of the offenses prohibited by, or enumerated in, this ordinance, he shall forfeit and pay a fine of not less than five nor more than twenty dollars, and be imprisoned not more than ten days.

And if any person knowingly, wilfully, and maliciously or persistently commit or continue to commit any of the offenses prohibited by, or enumerated in, this ordinance, he shall forfeit and pay a fine of not less than ten nor more than one hundred dollars, and be imprisoned not exceeding thirty days.

ORDINANCE V.

RELATING TO THE ASSESSMENT AND COLLECTING OF TAXES.

SEC. 1. Appointment of Assessor. SEC. 2. Duties of Assessor. SEC. 3. Levy. Dog Tax. SEC. 4. Tax Books.	SEC. 5. Collection. Sales. SEC. 6. Dogs not Assessed. SEC. 7. Delinquent List. SEC. 8. Delinquent Lands. How Sold. SEC. 9. Compensation of Assessor.
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SEC. 1. An Assessor shall be annually appointed by the Council at the first meeting of the Council in April, or as soon thereafter as practicable. The County Assessor may be appointed Assessor for the town.

SEC. 2. The Assessor shall, annually, on or before the fifteenth day of July, make up and return to the Council a true assessment of all personal property and real estate subject to taxation for municipal purposes, according to the values thereof, as assessed for county taxation, including therein a true list of all male persons of over twenty-one years of age, not exempt from taxation, and of all dogs both male and female, with the names of the harborers of such dogs.

SEC. 3. There shall be levied in addition to the necessary levy on personal and real property an annual tax of two dollars on all male persons over twenty-one years, and not exempt from taxation for bodily infirmity or other cause, and one dollar on each male dog, and five dollars on each female dog. The owner, harborer, or head of the family, shall pay the taxes on any dog, owned, harbored, or kept by any member of the family. A dog for which no owner can be found, or off of whom, if found, the taxes cannot be collected, shall be put to death by the Sergeant or any Police officer. For putting a dog to death and removing its body as required by the ordinances of the town, such officer shall receive such compensation as the Council may deem reasonable.

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

SEC. 5. The Sergeant shall immediately proceed to collect the taxes, and after thirty days, from the time he receives the books, he may distrain property to enforce the payment thereof. All sales under tax levies, or under executions issued by the Mayor, shall be in the manner prescribed by law for sales under executions issued by Justices. Tax levies shall bear interest from the first day of March, next following the time they are levied, and the Sergeant shall be required to account for interest on all moneys not collected and accounted for prior to that time.

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

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

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

SEC. 9. The Assessor shall receive for his services in making an assessment and extending the levy, a fee to be fixed by the common Council.

ORDINANCE VI.

RELATING TO LICENSES.

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| SEC. 1. Intoxicating Liquors. | SEC. 6. Exception. |
| SEC. 2. Druggists. | SEC. 7. Licenses Required. |
| SEC. 3. Physicians. | SEC. 8. Liquor License Applicant. |
| SEC. 4. Sales by Agent. | SEC. 9. Revocation of License. |
| SEC. 5. Other Licenses. | SEC. 10. Amounts to be paid for License. |

SEC. 1. Within the town of Philippi, or within one mile of the corporate limits thereof, unless it be within another corporate town or village, no person shall without a town license therefor, furnish intoxicating drinks or refreshments at a theater or other place of public amusement, or sell, offer, or expose for sale, at wholesale or retail, spirituous or intoxicating liquors, wines, porter, ale, beer, or any drinks of a like nature, and all mixtures or preparations sold as a beverage, by whatever name known, whether as "bitters," "hard cider," or otherwise, that will produce intoxication, whether they be patented or not, shall be deemed spirituous and intoxicating liquors within the meaning of this section. Any person violating the provisions of this section, shall, except where it is otherwise provided herein, forfeit and be fined not less than ten nor more than one hundred dollars.

SEC. 2. No druggist without a license therefor shall sell spirituous liquors, wine, porter, ale or beer, or any patent mixture or preparation known as bitters, unless for medicinal purposes, or alcohol, unless for medicinal or mechanical purposes, nor shall any druggist sell spirituous liquors or alcohol for medicinal purposes, 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 such 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. For every violation of this section the person so offending shall forfeit and be fined for each offense not less than twenty nor more than one hundred dollars. The production of such prescription by the defendant at the trial of the cause or charge against him for a violation under this section, shall be sufficient to rebut the presumption arising from the proof of such sale, but the guilt of the accused shall be determined from all the evidence that may be properly produced of his knowledge, that such prescription and statement was, or was not, true, and the purposes for which it was given.

SEC. 3. 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 for the purpose of enabling any person to obtain spirituous liquors, wine, porter, ale or beer, or alcohol, to be used as a beverage, or shall make any false statements in such prescription, he shall be deemed guilty of a misdemeanor, and for every such offense he shall be fined not less than ten nor more than one hundred dollars, one-half the fine when recovered shall go to the informer.

SEC. 4. A sale of any such liquors or drinks as is mentioned in this ordinance

by one person for another, shall, in any prosecution for such sale, be taken and deemed to be a sale by both, and both may be prosecuted and fined therefor, either jointly or severally. The proprietor of any place of business, or the head of a family occupying any house, shall be, for every sale made by another at any such place of business or house, deemed to be the principal, and the person who may sell at said principal's place of business or house, be deemed his agent, and upon proof of sale by said agent, both shall be liable for said sale, and upon conviction, be fined under the provisions of this ordinance, but the principal shall have the right to prove that he had no interest in said sale, and that it was made without his knowledge or authority, which when so proven to the satisfaction of the Mayor the principal shall be discharged.

SEC. 5. Nor shall any person, without a town license therefor, keep a hotel or tavern, or carry on the business of a druggist, or keep for public resort a bowling alley, billiard table, bagatelle table, or any table of like kind, or exhibit any circus, menagerie, theatrical performance, or public show, to which admission is obtained for money or other reward; or act as hawker or peddler; or act as an auctioneer; or practice the business of stock or other broker, by buying or selling for others stocks or securities for commission, or practice the business of a money broker, or private banker, by buying and selling in current or depreciated money or funds for another for profit or reward, and for every offense under this section the person so offending shall, upon conviction, forfeit and pay not less than five nor more than one hundred dollars.

SEC. 6. This ordinance shall not be so construed to require any person having a license to sell spirituous liquors, or wine at retail, to obtain another license to sell porter, ale or beer, or any drink of a like nature, at the same place, or to prohibit a druggist from selling alcohol, spirituous liquors, wine, porter, ale or beer, for medicinal purposes; or to require any incorporate bank, savings bank or savings institution to obtain a license as a broker or private banker; or to require license for any school exhibition, literary or scientific lecture, or musical concert, or to affect any person furnishing refreshments at any public dinner, fair, festival, or celebration, or to require any trustee, or any officer or commissioner selling property under any deed, order, decree, or execution of any Court, Justice, or Mayor to take out a license.

SEC. 7. All licenses shall be in writing, signed by the Mayor, and countersigned by the Recorder, and shall be issued only when authorized by the Council, and for the term of one year, or six months, unless as herein otherwise provided, and if a license be issued to carry on a business at a particular place, it shall designate the place or building and a sale or business at any other place shall be deemed without a license.

SEC. 8. Every applicant for a license to sell at retail spirituous liquors, wine, porter, ale or beer, or any drink of like nature, shall produce to the Council satisfactory evidence that he is of good moral character and demeanor, and not of intemperate habits, and in all cases where an applicant wants a license to sell spirituous liquors, wine, porter, ale or beer, or drinks of a like nature, he shall execute bond with good security in the penalty of not less than one thousand dollars nor more than five thousand dollars to be approved by the Council, payable to the town of Philippi, conditioned that he will not permit any person to drink to intoxication on the premises, or adjoining premises controlled by him,

and will not sell or furnish intoxicating drinks to any person intoxicated, or who is known to have the habit of becoming intoxicated, or an infant person under the age of twenty-one years, or on Sunday, or on the day of any election in said town, provided for by law, or at any time at night after eleven o'clock p. m., or before 4:30 o'clock a. m., and that he will not permit any gaming for money or other thing, or for amusement on his premises, or adjoining premises controlled by him; if such application be refused, the refusal to grant the license shall be entered of record and no license shall be granted the applicant within one year thereafter. For the breach of any of the conditions of such bond, there shall be recovered for the use of the town in an action of debt, before a Justice of the Peace or Circuit Court of the county, the sum of fifty dollars, and the license of the person so offending may be revoked by the Council, or in lieu of such action of debt and recovery of such bond. If the person so licensed shall sell or furnish intoxicating drinks to any person intoxicated, or in the habit of becoming intoxicated, or to a person under twenty-one years of age, or on Sunday, or on any election day, or after 11 o'clock at night and before 4:30 a. m., or shall permit any gaming for money or other thing or for amusement on his premises, or adjoining premises under his control, may, upon conviction thereof, be fined not less than ten nor more than one hundred dollars.

SEC. 9. Upon petition of not less than five inhabitants of the town, ten days notice having been given the person holding the license, the Council may, for good cause, revoke any license to sell at retail spirituous liquors, wine, porter, ale or beer, or drinks of like nature; or to keep a bowling alley, or saloon, billiard table or table, of like kind.

SEC. 10. The town tax on licenses mentioned in this chapter shall be as follow:

HOTELS AND TAVERNS.—On every license to keep a hotel or tavern, two per centum per annum upon the yearly rental value of the premises occupied for that purpose.

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

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

WINES, &c.—On every license to sell at retail domestic wines, porter, ale, beer, and drinks of a like nature only, twenty dollars.

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

BOWLING ALLEY AND SKATING RINK.—On every license to keep a bowling alley or skating rink, twenty-five dollars; but if more than one such be kept in one house by the same person, twenty-five dollars for the first one, and fifteen dollars for every other one.

BILLIARDS.—On every license to keep a billiard table, or table of like kind, for public use or resort, one hundred dollars; one hundred dollars for the first one, and thirty dollars for every other one.

BAGATELLE.—On every license to keep a bagatelle table, or table of like kind, for public use or resort, twenty-five dollars for the first one, and ten dollars for each additional one.

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

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

MONEY BROKER.—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, twenty-five dollars.

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

MANUFACTURER.—But no company or firm engaged in manufacturing goods in the State shall be required to pay a license as a peddler for selling such goods, either by himself or his agent.

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

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

THEATRES.—On a license permitting theatrical performance, five dollars for each week or fractional part thereof: Provided, that a theatre, opera house, or other permanent show shall have license to exhibit for three months, for twelve dollars and fifty cents, or six months for eighteen dollars and seventy-five cents, or one year for twenty-five dollars.

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

SHOWS.—On every other show, not otherwise taxed, two dollars and fifty cents for each exhibition.

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

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ORDINANCE VII.

RELATING TO THE CONSTRUCTION OF PAVEMENTS.

SEC. 1. Who to Construct.

SEC. 2. Material and Dimensions.

SEC. 3. Failure of Owner to Construct.

SEC. 4. Duty of Officers.

SEC. 5. Forfeiture for Neglect.

SEC. 1. All sidewalks in the town shall be kept in repair, free and clean, by the owners or occupiers of the adjacent property.

SEC. 2. The pavements of the sidewalks shall, at the discretion of the Council, be of a uniform grade with the street or alley on which they border. Where the curbstone has been set they shall be of brick, stone or flagstone and shall rise from the curb at a uniform angle of elevation of one-half inch in every foot of the width thereof. All other pavements shall be of such material and dimensions as the Council may designate.

SEC. 3. Whenever the owner or occupant of any such property shall fail to cause such sidewalks to be paved as required by the preceding section within ten days, after notice in writing has been given by the Mayor (and posting the notice at two conspicuous places on the property, shall be deemed sufficient notice where personal service cannot be had), it shall be the duty of the Mayor forthwith to cause the same to be paved upon the most reasonable terms that can be conveniently had, and furnish to the owner or owners of each lot or fraction of lot, or his, her, or their agent, or the tenant of the premises, a statement of the cost of such pavement, including therein a charge of not more than five cents per running foot of pavement for services of the Mayor in contracting for and superintending the construction of said pavement, and also file with the Recorder a duplicate of such statement and if the amount thereof be not paid within thirty days after the filing of such statement it shall be the duty of the Recorder to add five per centum thereto to pay for collection and deliver the same to the Sergeant who shall proceed to collect the same from the party or parties liable therefor, in the manner provided for the collection of taxes. The Sergeant shall have five per centum commission for the collection of any such statement, to be paid by the party off of whom the same is collected, and in no event to be paid out of the town treasury.

SEC. 4. It shall be the duty of the Street Committee, immediately after this ordinance is in force, and from time to time thereafter, to furnish the Mayor a written designation of the streets of the town which are subject to the provisions of this ordinance, and within ten days thereafter it shall be the duty of the Mayor to give the notice required by section three of this ordinance.

SEC. 5. If any officer fail to perform the duties imposed upon him by this ordinance he shall forfeit for every such failure a sum of not less than one nor more than five dollars.

ORDINANCE VIII.

RELATING TO THE SCALES AND THE WEIGHMASTER.

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| SEC. 1. Weighmaster, how Appointed. | SEC. 5. Fees. |
| SEC. 2. Oath and Bond. | SEC. 6. Delivery Without Weighing. |
| SEC. 3. Duties. | SEC. 7. Altering Certificate. |
| SEC. 4. Other Person Acting as Such. | SEC. 8. Moisture, Mud and Dirt. |

SEC. 1. There may be appointed by the Council at the first meeting thereof, in the month of April, in each year, or as soon thereafter as practicable, an officer to be called the Weighmaster, who shall hold his office for one year, or until his successor is appointed and qualified. Said Weighmaster shall be chosen as follows, to-wit: the office shall be put up at public auction by the Sergeant at the meeting aforesaid, after five days notice thereof previously given, and the person bidding the highest amount per annum for the same shall be declared by the Council to be the Weighmaster. The sum so bid by the Weighmaster shall be paid into the treasury in quarterly installments.

SEC. 2. Before entering upon the duties of his office the said Weighmaster shall take the oath of office, prescribed by the Charter, and shall moreover give bond with one or more securities, to be approved by the Council, payable to said town, in the penal sum of five hundred dollars, and conditioned as follows, to-wit: The conditions of the above obligation are such that whereas, the above bound A. B., was, on the——day of——, in the year——, appointed to the office of Weighmaster for said town, for the term of one year, or until his successor is appointed and qualifies, and hath accepted the same.

Now, if the said A. B. shall in all things diligently, honestly and faithfully discharge the duties of his said office, and shall keep the scales of said town in good repair, and shall further well and truly account for and pay over to said town the sum of \$——quarterly, so long as he shall remain such Weighmaster, then the foregoing obligation is to be void, otherwise to remain in full force and virtue.

SEC. 3. It shall be the duty of the Weighmaster to take the care and control of the public scales, to keep the same as far as practicable in good order and repair, and at least once in every year, to cause said scales to be regulated by the standard weights, to be at all times in readiness, at reasonable hours, to weigh all hay, straw or coal that may be brought into the town for sale or delivery, and deliver to each person requiring his services a certificate of the weight of the coal, straw, hay, or other thing by him weighed for such person, stating distinctly therein the gross weight of the coal, straw, hay, or other thing by him weighed for such person and the vehicle containing it and also the net weight of such coal, straw, hay, or other thing, together with the date when weighed.

SEC. 4. It shall be unlawful for any person other than the Weighmaster, or his agent, for any fee or reward, or promise thereof, to weigh any load of hay, straw, coal, or other thing, upon the public scales, and if any person offend herein, he or she shall forfeit and pay, for every such offense, a fine not exceeding five dollars.

SEC. 5. The Weighmaster shall be entitled to the following fees for weighing any hay, straw, coal, or other thing, to be paid by the person for whom the service is rendered, as follows, to-wit;

For each cart load, 10 cents.

For each two horse wagon load or part thereof, 20 cents.

For each three or four horse wagon load or part thereof, 30 cents.

And for weighing all such persons or things as are not conveyed in wagons, carts, or other vehicles, said Weighmaster shall be entitled to charge one cent on each one hundred pounds thereof, except that in any case where said fee would be less than five cents, he shall be entitled to charge that amount as a minimum fee.

SEC. 6. If any person shall sell or deliver, or attempt to sell or deliver to any person within the town, any hay, straw, or coal, either by weight or otherwise, without having first had the same weighed at the public scales, he or she shall forfeit and pay for every such offense a fine of not less than one, nor more than five dollars; either the owner of the hay, straw and coal, or the person owning or having charge of the vehicle or team used for the transportation of the hay, straw or coal, so sold, or delivered or attempted to be sold or delivered, shall be liable for the penalty aforesaid; Provided, always, that no more than one penalty shall be recovered for any one offense.

SEC. 7. If any person shall alter or erase any certificate given by the Weighmaster, or the weight of any load of hay, straw, or coal, or other thing, he or she shall forfeit to the town a fine of not less than one nor more than ten dollars.

SEC. 8. In weighing hay, coal, or straw, or other thing, it shall be the duty of the Weighmaster to deduct a fair and reasonable allowance for undue moisture, or for mud and dirt adhering thereto, and if any person shall by unfair or dishonest means deceive or mislead the Weighmaster or his deputy in ascertaining or determining the weight of any load of coal, straw, or hay, or other thing, he or she shall, for every such offense, forfeit and pay to the town a fine of not less than one nor more than ten dollars.

ORDINANCE IX.

NAMES OF STREETS AND ALLEYS.

EAST AND WEST STREETS AND ALLEYS.

The street running from Main street, by the way of the M. E. church, to High street, shall be called and known as Church street.

The street from Main street, by Reger's office and Woods' residence, to High street, shall be called and known as Court street.

The alley between McClaskey's and C. P. Thompson's residences, shall be called and known as Court alley.

The alley between Morrall's and Talbott's residences, shall be called and known as Church alley.

The street from Main street to Wilson's mill, shall be called and known as Mill street.

The street from Bosworth street, below the Presbyterian church, to Woods street, near the residence of Mrs. Prim, shall be called and known as Wilson street.

The street from Main street at Dr. Bosworth's office to the Philippi cemetery, shall be called and known as Pike street.

The alley from Main street, near Ashenfelter's black smith shop, to the continuation of Walnut street, shall be called and known as School House alley.

The alley from Walnut street, at Dr. Harvey's residence, to High street, near I. V. Johnson's stable, shall be called and known as Harvey's alley.

NORTH AND SOUTH STREETS AND ALLEYS.

That part of the Beverly and Fairmont pike passing through Philippi, from the bridge over the river, past D. F. Byrer's tannery, within the corporate limits, shall be called and known as Main street.

The street running from the Valley River, to the residence of A. P. Wilson shall be called and known as Walnut street.

The street running from the Valley River, near the Philippi Mill Company's Steam Mill, to the residence of I. V. Johnson, shall be called and known as High street.

The street running from Main Street, at the toll house, past Wilson's Mill along the bank of the Valley River to the Buckingham property, shall be called and known as Water street.

The street running from the intersection of Main and Pike streets, near the Presbyterian church, to the Valley River, shall be called and known as Bosworth street.

The street running from Pike street, past the residence of Mrs. Prim to Railroad street, shall be called and known as Woods street.

All other streets, alleys and ways, not herein mentioned, their location, alterations and changes, shall be and remain until otherwise changed, as the same now are as described and shown by the plats of Philippi, of record, in the Clerk's office of the County Court of Barbour county, in miscellaneous order book No. 1, page 44; and in deed book No. 6, page 594; and the orders, resolutions and ordinances of Philippi heretofore passed, and of record in manuscript in the journal of the Common Council.

And all grants and orders for the right of way over, through and upon the streets and alleys of said town, heretofore allowed, shall remain as they now are until the same are otherwise changed.

ORDINANCE X.

RELATING TO THE CONSTRUCTION OF DIVISION FENCES.

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| <p>SEC. 1. Who to Make and Maintain.</p> <p>SEC. 2. Permitting to Lie Open.</p> <p>SEC. 3. Proportion, How Determined.</p> | <p>SEC. 4. Disputes, How Settled.</p> <p>SEC. 5. Proceedings of Arbitrators.</p> <p>SEC. 6. Decision, What to Contain.</p> <p>SEC. 7. Notice to be Given.</p> |
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SEC. 1. Where two or more persons shall have lands or lots within the corporate limits adjoining, each of them shall make and maintain a just proportion of the division fence between them, except the owner or owners of either of the adjoining lands shall choose to let such land lie open.

SEC. 2. Where a person shall have chosen to let his land or lot lie open, if he shall afterwards enclose it, he shall refund to the owner of the adjoining land, a just proportion of the value at that time of any division fence that shall have been made by such adjoining owner.

SEC. 3. The value of such fence and the proportion thereof to be paid by such person, and the proportion of the division fence to be built and maintained by him in case of the enclosing of his land or lot, shall be determined in case the parties cannot agree, by three disinterested persons to be appointed by the Mayor, on motion of either party after reasonable notice to the other.

SEC. 4. If any dispute arise between the owners of adjoining lots or lands, concerning the proportion, or particular part of a division fence, to be maintained or made by either of them, or the amount to be paid by one party to the other for any fence already built or maintained, such dispute shall be settled by three disinterested persons, to be selected as in the preceding section; and the amount so ascertained to be paid by one party to the other, may be recovered before a Justice or in any Court having jurisdiction of the case.

SEC. 5. The persons so selected shall examine the premises and hear the proofs and allegations of the parties to such dispute, and the decision of any two of them shall be final and shall bind the parties to such dispute, and all parties holding or claiming under them.

SEC. 6. The decision made under either of the three preceding sections shall be reduced to writing, and shall contain a description of the fence to be built or kept in repair, or both, and of the proportion to be maintained by each party, which decision shall be forthwith filed in the office of the Clerk of the County Court, and be recorded in the book kept for that purpose.

SEC. 7. Any person desiring to build or repair such division fence, may give notice in writing to the proprietor of any adjoining lands, or to his agent, of his intention to build or repair such fence and require him to build his just proportion thereof. The party so served with such notice shall, within ten days thereafter, in case he selects to let his lots or lands lie open, serve notice in writing on the party desiring to build such fence, of such election, and upon his failure to do so, he shall be liable to the party building such division fence for his just proportion of the expense thereof, in case he fails to build the same.

Mayor's Proclamation.

TO THE PEOPLE OF THE TOWN OF PHILIPPI,
COURTS OF JUSTICE, AND ALL OTHERS
IN INTEREST.

I, W. CHENOWETH, Mayor of the Town of Philippi, by virtue of the authority vested in me by the Council thereof, do hereby publish, proclaim and declare the foregoing ordinances to be in full force and effect, for the government, protection and preservation of all persons, property and rights made subject to the jurisdiction of said town by the laws of the State of West Virginia.

Given under my hand this first day of September, 1885, at Philippi, West Virginia.

W. CHENOWETH, Mayor.

Attest: D. W. GALL, Recorder.

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