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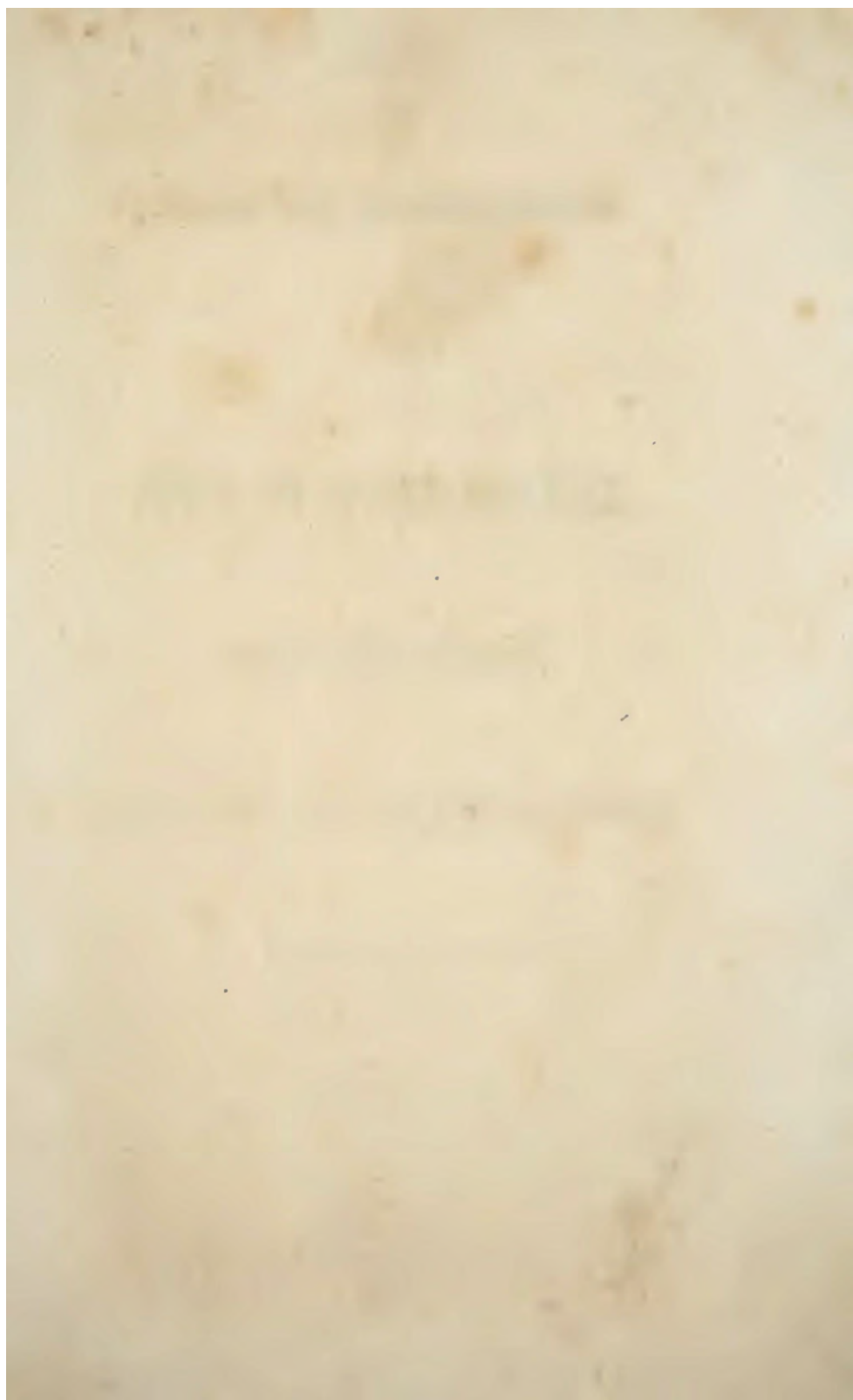
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THE
CODE OF ORDINANCES
OF THE
CITY OF HUNTSVILLE,

WITH THE CHARTER,

Pursuant to an Order of the Mayor and Aldermen

BY WILLIAM ACKLEN, ESQ.

HUNTSVILLE:
WILLIAM B. FIGURES, PRINTER
1861.

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187

CITY OFFICERS FOR THE YEAR 1860.

MAYOR—JOHN J. WARD.

ALDERMEN :

FIRST WARD—HUGH N. MOORE, ARCHIBALD RISON.

SECOND " JAMES J. DONEGAN, WM. D. SCOTT.

THIRD " WM. J. McCALLEY, JOHN C. SPOTSWOOD.

FOURTH " BENJ. JOLLEY, HARRISON McANELLEY.

CITY CLERK—B. T. MOORE.

" TREASURER—NORTHERN BANK OF ALABAMA.

" ASSESSOR—R. D. WILSON.

" TAX COLLECTOR—SAMUEL BROWN.

" WEIGHER—DANIEL JOHNSON.

" CONSTABLE—B. FRANKS.

" DAY POLICE—G. W. CAMPBELL, C. GILL.

" NIGHT POLICE—G. W. BLANTON, HENRY FLIPPO.

" STREET SUPERINTENDENT—JAS. W. POLLARD.



THE CHARTER.

An Act to Incorporate the Town of Huntsville.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened. That the inhabitants of the Town of Huntsville shall be and continue a body politic and corporate, by the name of the Mayor and Aldermen of Huntsville, and by their corporate name may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said Town, and may have and use a Town Seal, which may be broken, or altered at pleasure.

16th January, 1844.
Style of Corporation.
May sue and be sued.
May purchase property.
City Seal.

SEC. 2. And be it further enacted, That hereafter the corporate jurisdiction, rights, privileges, duties and restrictions hereby given, or herein contained, shall arise, exist and extend in and over a superficial square, viz: a square whose centre will be the centre of the Public Square in Huntsville, and whose four boundary lines, each of which is to be one mile in length and run parallel with a corresponding boundary line of the present Public Square in said Town, will embrace an area of one mile square and the inhabitants.

Limits and boundaries.

SEC. 3. And be it further enacted, That said corporation shall consist of a Mayor and eight Aldermen, who shall be elected as follows, on the third Monday in December of each year:—There shall be elected two Aldermen for each of the four Wards of said Town, who shall be residents of the Wards in which they may be elected at the time of their election, by the qualified electors of said Town; said Aldermen shall be elected by ballot by the free white male citizens within the aforesaid limits of the age of twenty-one years, who shall be freeholders, or householders therein, or who shall have resided therein six months preceding and paid a corporate tax for the preceding year, as prescribed by an Ordinance of the Corporation, or who shall be the legal or equitable owners in good faith of real property within said limits; such election shall be held by the Sheriff of Madison County and three freeholders, to be by him summoned as judges, and he shall conduct the same in the manner of an election for members of the General Assembly, he giving the casting vote if any

Mayor and Aldermen.

Election of Aldermen.

Qualification of voters.

Certification of election.

two or more shall have an equal number of votes; and said Sheriff shall give to each one so elected a certificate of the fact, and thereupon they shall present the certificate to the Judge or Clerk of the County Court of said County, and before him take the oath prescribed for civil officers of the State and an oath to perform the duties imposed upon them by this act, without favor or partiality, of which qualification a record shall be made in the office of said County Court. The qualified voters of said Corporation shall also at the same time and place elect a Mayor, who shall before said Judge or Clerk take an oath to perform without favor or partiality the duties of Mayor, of which a like record shall be kept, and said Mayor and Aldermen shall continue in office until their successors are qualified. If said Sheriff shall fail to hold such election, he shall advertise in the public places of said Town another day for holding the same, not above ten days next after the regular day, and on such other day shall open and hold an election in the manner aforesaid; and if during their term, any one of the Mayor or Aldermen die, remove, refuse wholly to act, or be disabled from acting, the other Aldermen shall by ballot, elect another one in his stead, whose qualifications shall be as above described. The office of Mayor or Aldermen shall alone be filled by a freholder residing within the Corporation; and if any one or more who shall be elected Aldermen, shall refuse to qualify, the said Sheriff shall give notice for and hold an election to supply the vacancy as above described.

Such of Sec.

Election of Mayor.

Vacancies how filled.

Eligibility of Mayor and Aldermen.

Quorum Meetings of the Board.

Mayor's powers and jurisdiction

Right of appeal, how taken.

SEC. 4. And be it further enacted, That a majority of the Mayor and Aldermen shall constitute a quorum to transact the business of the Board, they fixing their own sessions, and at any time a special session may be called by the summons of the Mayor, at his own option, or at the request of any two of the Aldermen.

SEC. 5. And be it further enacted, That the Mayor shall possess within the corporate limits, all the powers and jurisdiction of a Justice of the Peace, in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases shall be entitled to the fees allowed by law to a Justice of the Peace, and then his signature, or act as Mayor shall be of equal force as if done by him expressly as a Justice; he shall moreover have exclusive original jurisdiction to hear, adjudge, determine all prosecutions, controversies, or matters out of the orders, regulations and ordinances of the Board, such as forfeitures and penalties inflicted and the summary remedies to be given against the officers of the Corporation; Provided the sum in question does not exceed fifty dollars; and from his decision, or judgment in any case, of either branch of his jurisdiction, the party desiring it may have an appeal, or certiorari in order to have a new trial in the County or Circuit Court of said County, under the rules and regulations prescribed by

the laws of the State for an appeal, or certiorari, from the judgment of a Justice of the Peace.

Sec. 6. And be it further enacted, That the Mayor and Aldermen shall have power to appoint a Constable, Clerk, Treasurer, Collector of Taxes, an Assessor, and any other officer who may become essential to the maintenance of a good police; the officers shall continue in office (unless removed) until the next annual election of Aldermen and until their successors be qualified. The Mayor and Aldermen shall have power to fill all vacancies that may occur in said offices, and to remove said officers at any time, a majority of the whole Board concurring in such removal; and the said Clerk, Assessor, Collector, Treasurer and Constable shall each before the Judge or Clerk of said County Court take an oath, well and truly and faithfully to perform the duties of his office; of which also a record is to be made, and the said Collector, Treasurer and Constable, shall each before the Clerk of said County Court enter into bond with security to the Mayor or his successor, in the penalty of two thousand dollars, or any larger amount that may be required by any ordinance of the Board, with condition to discharge all the duties of his office truly and faithfully, on which bond suit and recovery may be had in any court having jurisdiction thereof, in the name of the Mayor or his successor, for the use of the Corporation, or the person injured, and said bond shall remain for the breaches of its conditions.

The Mayor and Aldermen have power to appoint all officers of the Board.

Term of office.

May be removed.

Oath of office.

Must give bond

Suit and recovery on Forfeiture Bond.

Sec. 7. And be it further enacted, That the City Clerk shall keep a regular record of the proceedings, orders, regulations and ordinances of the Board, which shall be read to the Board, and signed by the Mayor or presiding Chairman, and the same shall have the force of a record, and a copy therefrom certified by the Clerk shall be prima facie evidence in any Court of record or elsewhere, and said record shall at all times be open for inspection. The Clerk shall also keep a docket of all causes instituted before the Mayor as such, or as a Justice of the Peace, showing the order in which they shall be instituted, and noting or endorsing the orders and judgments, &c., therein, and in another book he shall keep a minute, or record of the orders, judgments, &c., in said causes, and shall keep and preserve in regular files as well the papers in such suits, as all others belonging to the Board, and one of the records and papers aforesaid shall be open for public inspection; in the docket the Clerk shall note the dates of the issuance and delivery of original and final process and to whom delivered, and the return thereon, or the substance thereof, and for all his books make full indexes.

City Clerk and duties.

Sec. 8. And be it further enacted, That the duties and liabilities of the Assessor, Collector and Treasurer, as well as the liabilities, or any further duties of the Clerk, shall depend upon the ordinances of the Board; that the Constable shall

The duties and liabilities of the Assessor, Collector & Treasurer

on which
the powers,
rights and
fees.

possess the power, rights and fees within the incorporated limits and in pursuance and execution of this act as possessed by Constables under the laws of this State, and shall execute the orders, notices and process of the Board to him directed or delivered for that purpose, and all warrants, precepts and process, from the Mayor's Court, being subject to the liabilities and remedies which the Board by its ordinances aforesaid may prescribe.

Mayor and
Aldermen
may allow
additional
compensa-
tion to Con-
stable.

Sec. 9. And be it further enacted, That the Mayor and Aldermen may by ordinance allow to the Constable additional compensation not in the ordinary line of the Constable and for which no specific fees are allowed; they may likewise by ordinance fix from time to time, reasonable salaries or compensation to the Mayor, Clerk, Assessor, Collector, Treasurer or other officer.

Process ex-
ecuted by
another per-
son when
Constable is
a party.

Sec. 10. Be it further enacted, That in all cases where the Constable is a party, the Mayor shall in such cases direct the process to some other person to execute.

Authority to
prevent and
remove nu-
isances.

Sec. 11. Be it further enacted, That the Mayor and Aldermen shall have power to pass all regulations and ordinances for the common good of the Corporation which may be compatible with the Constitution and laws of the State and with this act; they shall have the power to prevent and remove

prevent the
introduction
of diseases.

nuisances; to prevent the introduction of contagious or infectious diseases within the town, and provide places for the reception of the sick; to erect a hospital or any other buildings

Hospitals.

or works, for the use of the town, and to that end, to join with the County of Madison in any such erections, and to contract

To erect
Lamps.

and agree with said County, or the Commissioners, or competent authorities thereof, for the privilege or right to erect and

To provide
night watch
es and pa-
trols.

continue such Hospitals, or other buildings, or works, upon the Public Square, and to accept any grant, or conveyance of

To erect &
repair brid-
ges.

said Commissioners, or authorities; to erect lamps, to provide

To construct
drains &
sewers.

night watches and patrols, to erect and repair bridges, to construct drains and sewers, and to keep them in repair; to es-

To establish
fire wards &
fire compa-
nies.

tablish fire wards and fire companies, and provide for the prevention and extinguishment of fire; to regulate partition fences

To regulate
partition fen-
ces.

and to determine by whom they shall be made and kept in repair; to restrain and prohibit nightly and other meetings,

To prevent
disorderly
meetings of
slaves, free
negroes or
mulattoes

or disorderly assemblies of slaves, free negroes, or mulattoes and other knavish and disorderly persons; to restrain and prevent trading with slaves; to provide for regulating and

To prevent
trading with
slaves.

licensing hawkers, peddlers and retailers of spirituous liquors within the corporate limits, and within one mile of the court

To license
& regulate
Theatrical
and other
exhibitions.

house of Madison County, or for annulling and prohibiting the same, and, concerning them, to have and exercise the exclusive power of granting Licenses, reserving to the State and County aforesaid in all cases where the corporate authority may choose to grant Licenses, the taxes by the laws of the State imposed, to be collected from such hawkers, peddlers or

retailers as the said Mayor and Aldermen may license; to license, restrain and regulate Theatrical or other exhibitions for money, whether of animals, figures, horsemanship, activity, legerdemain, or whatever character, kind, or name; to impose and enforce fines or penalties for all riots, routs, affrays, assaults and batteries, committed within the limits of the Corporation, and for obstructing the streets, avenues, sewers, drains, &c., or in injuring the Corporation buildings, or works, or peddling, or retailing without license; to provide for regulating and licensing auctioneers, commission merchants, and the keepers or owners of Billiard Tables; to restrain and prohibit gambling; to regulate and establish markets, and to rent out the stalls in the same; and to prohibit the selling of meats, poultry, fish or game, except at the public market or markets; to take care of, preserve, remove, designate and regulate all burying grounds belonging to said Corporation; and in general to impose and enforce appropriate fines, forfeitures and penalties, for the non-performance or the violation of their ordinances, so that in no case the same shall exceed the sum of fifty dollars; such fines, &c., to be recovered by and in the name of the Mayor and Aldermen, and applied to the use of the Corporation.

To impose and enforce fines, penalties, &c., for breach of By-laws or Ordinances.
 To license & regulate Auctioneers, Commission Merchants and Billiard Tables.
 To prevent Gambling.
 To regulate markets, and to rent out stalls.
 To prohibit the sale of meats, poultry, fish or game, except at the market.
 To establish & regulate all burying grounds.

Sec. 12. Be it further enacted, That the Mayor and Aldermen shall have full authority to cause all vagrants, idle or disorderly persons, all persons of ill-fame, or evil life, and all such as have no visible means of support, or are likely to become chargeable to the town as paupers, or are found begging or drunk in and about the streets, or loitering in and about tipping houses, or who can show no reasonable course of business, or employment in the town; all who have no fixed place of residence, or cannot give a good account of themselves; all who are grossly indecent in language or behavior, publicly in the streets, and all prostitutes, or such as lead notoriously a lewd or lascivious course of life, to give security for their good behavior, for a reasonable time, and to indemnify the Town against any charge for their support; and in case of their refusal, or inability to give said security, to cause them to be confined to labor for a limited time, not exceeding four calendar months, unless such security shall be sooner given, which said labor shall be such as may be designated by the Mayor and Aldermen for the general benefit of the Town, and that the labor so designated by the Mayor and Aldermen, may be carried into effect, they shall power to appoint a person, or persons, to take those so confined and sentenced to labor, from the place of custody, and if they should be found afterwards offending, such security may be again required, and for want thereof the like proceedings may again be had from time to time as often as may be necessary.

To cause all vagrants, idle or disorderly persons, all persons of ill-fame or evil life, who have no visible means of support, or for a begging or drunk or about the streets, or loitering about tipping houses, or show no reasonable course of business, Prostitutes &c., to give security.
 How labor designated by the Mayor and Aldermen, may be carried into effect.
 Repetition of offence by the delinquent.

Sec. 13. And be it further enacted, That the Mayor and Aldermen shall have power to establish a primary school of

To establish a primary school of

schools, for the tuition of all free white children of the Corporation, to be under the guardianship of said Corporation, and to employ the proper teachers at suitable salaries.

To open, and regulate streets.

How opened.

Damages to be assessed.

Sec. 14. And be it further enacted, That the Mayor and Aldermen shall have full power and authority to widen, extend and regulate the streets, lanes or alleys, to lay out proper new streets, lanes, or alleys, whenever they may deem it expedient, within the limits of said town, under the following regulations, that is to say: The Mayor of said Town shall summon twelve freeholders, inhabitants of said Town, not directly interested in the lands or lots through which it is proposed to open and lay out the said new street or streets, who being first sworn by the Mayor to assess and value what damages would be sustained by the owners of said lots, or lands, by reason of the opening and laying out any street, lane or alley, and the damages so assessed shall be paid by the Corporation of said Town, to the owners of said lots or lands; provided always that no street, lane or alley, shall be opened or laid out until the damages assessed to individuals in consequence thereof, shall have been paid.

To contract for loans to raise money

Sec. 15. And be it further enacted, That the Mayor and Aldermen in their corporate capacity, shall have power and authority to contract for any loan, or loans, they may deem necessary for the purpose of raising money to improve said Town, and in effecting such loan or loans shall have power to pledge the property and revenue of said Corporation.

May levy taxes.

Taxes shall not exceed fifty cents on the \$100.

Sec. 16. And be it further enacted, That the Mayor and Aldermen shall have power annually to levy a tax on all property, real and personal, within said Town, provided said tax shall not exceed fifty cents on every one hundred dollars worth of such property, and the same shall be laid according to assessment and valuation of the property taxed, to be made by the Assessors in conformity with the regulations the said Mayor and Aldermen may ordain for such assessment and valuation; provided nevertheless, that the Mayor and Aldermen shall have authority to review such assessment and valuation, and to make such alterations as they may deem just and advisable.

Poll tax.

Bound to prescribe the mode and time of collecting taxes.

Summary remedies against officers for delinquencies.

Sec. 17. And be it further enacted, That the Mayor and Aldermen shall have power annually to levy a poll tax upon each and every white male over the age of twenty-one and under sixty years, the sum of twenty-five cents; and upon each and every free person of color a poll tax not exceeding the sum of five dollars. The Mayor and Aldermen shall prescribe the mode and time of collecting the said tax, and also any speedy and summary remedies by motion before the Mayor, against the officers of the Corporation for the non-payment of taxes or other monies collected or received, or for other delinquencies in office, which remedies may extend to the securities of such officers; and upon the judgment of the Mayor or in any such case, process or execution may be issued by the

Mayor and have the force and effect of an execution from any of the Circuit Courts of this State.

SEC. 18. And be it further enacted, That the free white male inhabitants, and slaves within the corporate bounds, who otherwise by the laws of the State would be subject to work on the roads, causeways, &c., shall be exempt from any such service beyond said bounds, but within the same shall be liable to personal labor upon the streets, bridges, causeways, drains, &c., as well to erect or open as to repair the same, or in lieu thereof to such pecuniary equivalent as by ordinance may be prescribed.

Exemption from road service.

To construct a Mc-Adamized road.

SEC. 19. And be it further enacted, That the Mayor and Aldermen of Huntsville be authorized to construct the Mc-Adamized road from the Western boundary of the Corporate limits of the Town to the junction of the Athens and Decatur roads, provided the stockholders of the Company incorporated for the purpose of making said road agree to surrender the privilege to the said Mayor and Aldermen. Should the Mayor and Aldermen construct said road they are hereby invested with all the rights and privileges, and subject to all the liabilities and responsibilities which attach to the original Company by their Charter, and are authorized to place the toll gate at any point they may choose on said road, provided it shall not be nearer the court house than one mile and a half; provided further, that the Mayor and Aldermen shall not contract for McAdamizing said road without the consent of two-thirds of the voters entitled to vote within the corporate limits of said Town, previously expressed at an election to be held after the passage of this act, giving not less than twenty days public notice of the time and place of holding said election, to be determined as follows: They shall vote by ballot, and all those who shall be favorable to said improvement being undertaken by said Corporation, shall write on the ballot or ticket "accepted;" and all those who are opposed to it, shall write upon the ticket "rejected;" if it shall appear upon the counting out the votes, that two-thirds of all persons entitled to vote as directed by this Charter, have voted in favor of making such improvement, then, in that event, the said Mayor and Aldermen may at their discretion undertake the same, and not otherwise.

May have toll gate.

Repealing section.

SEC. 20. And be it further enacted, That all laws contravening the provisions of this act be repealed, and this act shall be in force from and after the passage thereof.

Approved, 16th January, 1844.

ALABAMA :—SECRETARY OF STATE'S OFFICE.

I hereby certify that the foregoing is a true copy of the original Act, entitled and approved as aforesaid, deposited in this Office. In testimony whereof I have hereunto set my

hand and affixed the Great Seal of the State, at Tuscaloosa, this 17th day of January, 1844, and of American Independence the 68th year.

W. GARRETT,
Secretary of State.

AN ACT

To amend an Act to Incorporate the Town of Huntsville. Approved 16th January, 1844.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened, That the Corporation now known and designated as the Town of Huntsville shall hereafter be known and designated as the "City of Huntsville."

SEC. 2. That in case of the sickness or temporary absence of the Mayor of said City, the Aldermen may appoint one of their number to act as Mayor during such sickness or absence, who shall exercise all the powers and duties vested in the Mayor, but the Mayor shall not vacate his office by reason of any temporary absence from the City or the State.

SEC. 3. And be it further enacted, That all acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed, and this act shall be in force from and after its passage.

Approved, 24th February, 1860.

RULES OF THE BOARD OF ALDERMEN

OF THE

CITY OF HUNTSVILLE,

RULE 1. The regular meetings of the Board, shall take place on the first and third Tuesdays in each month, at three o'clock, P. M., unless otherwise ordered by the Board.

RULE 2. At the appointed hour, the Mayor shall take the chair, and on the appearance of a quorum, shall call the Board to order; when the Mayor is absent, the members present may select one of their number to take the chair. The business shall be taken up as follows, viz:

1st. Calling the roll of members and noting absentees.

2nd. Reading the Journal of proceedings of the last meeting, and if no objections are made, the Mayor shall declare them approved, and sign them.

3d. Excuses of Aldermen absent at previous meetings shall be heard, upon which the question, "Shall the Alderman be excused?" shall be put, and if decided in the negative, he shall be fined one dollar.

4th. Communications from the Mayor.

5th. Reports from officers of the several departments read and disposed of.

6th. Reports from Standing Committees in their order, viz: 1st. The Executive Committee. 2nd. The Committee on Accounts. 3rd. The Committee on Water Works. 4th. The Committee on Gas Works. 5th. The Committee on the Grave Yard. 6th. The Committee on Ordinances.

7th. Reports of special Committees in their order; such Committees shall always report at the meeting next succeeding their appointment, unless further time be given: Upon Committees failing to report at the proper time, the question shall be put, "Shall the Committee be excused?" and if de-

ded in the negative, each member thereof shall be fined one dollar.

8th. Petitions read and acted upon.

9th. Unfinished business.

10th. New business.

11th. Election to fill vacancies in the Board, if any.

12th. Election of Officers.

13th. Adjournment.

RULE 3. The Mayor shall preserve order and decorum, may speak to points of order in preference to other members. He shall decide all questions of order, subject to an appeal to the Board, at the request of any member, which appeal shall be decided without debate. The question on such appeal shall be, "Shall the decision of the Mayor stand as the judgment of the Board?" if decided in the negative, the decision shall be overruled.

RULE 4. When any member is about to speak or deliver any matter to the Board, he shall rise from his seat, and respectfully address himself to Mr. Mayor.

RULE 5. If any member in speaking, or otherwise, transgress the rules, the Mayor or any member may call him to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the Board shall, if appealed to, decide on the case, but without debate; if the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, and as the case requires it, he shall be liable to the censure of the Board.

RULE 6. When two or more members happen to rise at the same time, the Mayor shall name the person who is entitled to the floor.

RULE 7. No member shall speak more than twice on the same question, without leave of the Board.

RULE 8. When a motion is made and seconded it shall be stated by the Mayor, or if in writing, it shall be read aloud; and every motion, or resolution or amendment shall be reduced to writing, if the Mayor or any member request it; shall be open to amendment, provided not more than two amendments be allowed thereto. The question shall first be taken upon the amendment, if carried, then upon the motion or resolution as amended. If the amendment be lost, then the question shall be put upon the original motion or resolution.

RULE 9. A motion to adjourn shall always be in order, and shall always be decided without debate.

RULE 10. The previous question shall have precedence over all other motions, except that of adjournment, postponement to a day certain, and to lie on the table, and shall preclude all amendments and debate. The previous question shall be in this form, "Shall the main question be put?" it shall only be admitted, when demanded by a large majority of the members present.

RULE 11. Any member may call for a division of the question when the sense will admit it.

RULE 12. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority, to move for the reconsideration thereof at the same or succeeding meeting of the Board.

RULE 13. The Mayor may appoint Committees, unless otherwise directed by the Board, and the first named gentleman shall be the chairman of the Committee for this Board.

RULE 14. The Mayor shall not be required to vote on any question, except when the Board shall be equally divided, or when the ayes and noes are called, or for all persons to be elected by the Board and for the expenditures of money.

RULE 15. The ayes and noes upon all questions shall be taken and recorded at the request of any Alderman.

RULE 16. Any member of the Board shall have the right to spread upon the Journals of the Board his protest in writing, to any of the proceedings of the Board, such protest being couched in respectful language.

RULE 17. Nothing shall be introduced by way of rider, which is irrelevant to the matter before the Board.

RULE 18. On all questions for filling blanks, the largest sum and the remotest day shall be first put.

RULE 19. A majority of any Committee shall be sufficient to proceed to business.

RULE 20. No standing order shall be rescinded, without one days notice given of the motion therefor.

RULE 21. No appropriation of money shall be made, except at the regular meeting in each month.

RULE 22. All resolutions relating to a repeal or alteration of any of the existing ordinances, shall lay over for one meeting, before final action be had.

RULE 23. The Mayor may during any meeting for business, call any member of the Board present to take the chair for the time being.

RULE 24. Either of the foregoing Rules may be suspended by two-thirds of the members present voting in the affirmative.

RULE 25. Whoever violates any of the foregoing rules shall suffer such censure as a majority of the Board may direct.

ORDINANCES.

ACCOUNTS.

An Ordinance concerning Accounts.

Sec. 1. Be it ordained, That no person is authorized to contract any Account on the credit of the City, without a special order of the Board of Mayor and Aldermen, except as follows: The Mayor may contract Accounts not exceeding twenty-five dollars each, for the purpose of making ordinary repairs upon the carts, harness, and tools of the City, and for the purpose of maintaining any teams, etc., the property of the City, and for the purpose of providing the necessary fuel and lights for the City Hall, the Clerk's Office and the Calaboose. Accounts or contracts for all other things, or larger sums, must be authorized by, and made under the direction of, the Board of Mayor and Aldermen, unless specially provided for by some Ordinance of the City.

Sec. 2. That every person purchasing any article for the City, or on the credit of the City, must, if he receive it, give to the seller a written receipt therefor, stating the price, etc. and such receipt must be preserved and presented with the account to the Board of Mayor and Aldermen, when payment is demanded.

Sec. 3. That all Accounts against the City must set forth the items thereof; they must be presented to the Board of Mayor and Aldermen; and when the price of the work done, or the articles bought, has not been previously agreed upon, the Account must be accompanied by proof, that the price charged for each item is just and customary; and all Accounts for goods, wares and merchandise sold and delivered must be accompanied with a written receipt or order therefor.

Sec. 4. That Accounts contracted on a special order of the Board of Mayor and Aldermen, must be accompanied with a memorandum of the page of the Journal of the Board, upon which such order is recorded.

SEC. 5. That all Accounts of instalments of salary claimed to be due to any Officer of the City, shall be certified to be correct by the Mayor or the City Clerk, before they can be passed or approved by the Board. Claims and salaries.

ALDERMEN.

An Ordinance respecting the Aldermen.

SEC. 1. Be it ordained, That each Alderman shall have power to call on the police force of the City, or any member thereof, to assist him in arresting violators of the laws and ordinances, or to prevent their infraction and to require the services of the police whenever he may deem them necessary to the public interest and safety. It shall further be the duty of each Alderman, without being required to discharge police duties, to preserve the peace, and to see that the ordinances of the City are enforced. Police-powers etc.

ANIMALS.

SEC. 1. Be it ordained, That any person, who shall wantonly and cruelly beat, bruise, maim, or wound any horse, mule, cow, or any other animal within the City, whether belonging to him or to any other person, shall forfeit and pay for every such offense a sum not less than five, nor more than ten dollars; or if a slave, shall receive not less than ten lashes, unless the master or owner of such slave, shall voluntarily pay such fine as may be assessed under the provisions of this Ordinance. Cruelty to animals. How punished. Penalty.

ASSESSOR.

An Ordinance concerning City Assessor.

SEC. 1. Be it ordained, That it shall be the duty of the Assessor to make out a list of the taxable persons and property of the City, and impartially to estimate the value of said property, said list and estimate of value to be recorded in a book so lined and divided as to show the number of each lot or subdivision, the name of the reputed owner, or that of his agent, if there be any: the value of the improved and unimproved lots, the number and value of taxable slaves, and the value and kind of every article of taxable property owned by each person, together with a column for the poll tax. The Duties. Make list and estimate of taxable property.

Copies of list, &c. said list to embrace all the taxable persons and property in the city, with the value of said property, on the first day of May in that year. And the Assessor shall make out three fair copies in alphabetical order, of the said list, one of which he shall deliver to the Collector of taxes, one to the Treasurer and one to the Board of Mayor and Aldermen, on or before the first of July following.

Owner shall give list of property. **SEC. 2.** That the Assessor shall require from each and every person liable to taxation, a list, under oath, of their taxable property, including all which they held, on the first day of May pre-ceding. And if the said Assessor is not able to see the owner of any property in the City, or his agent, or if any person shall refuse to give him a list of his property when requested, or if any person give a list which the Assessor thinks incorrect or incomplete, then the said Assessor shall estimate the property of such person at its real value according to the best of his knowledge, either from personal examination, or from information from others, and any person who shall fail or refuse to give a list of the property owned or controlled by him, or who shall wilfully give an incorrect list shall be fined not less than ten dollars for each offence.

If owner refuse to give list.

Penalty of refusal.

Book to be deposited in Clerk's office, subject to public inspection. **SEC. 3.** When the Assessor has completed his said Book, it shall be returned to and deposited in the City Clerk's Office, subject to public inspection for the space of ten days, of which notice shall be given by the Clerk, in some one of the City newspapers, and at the next two meetings of the Board of Mayor and Aldermen after the expiration of said notice any person or property owner, deeming himself aggrieved by said estimate, may apply to have mistakes or over-estimates corrected, which may be done upon a sufficient showing, by a vote of a majority of the Board, but such mistakes or over-estimates may not afterwards be corrected, except by a unanimous vote of the Board.

Mistakes how corrected.

Taxes incurred after 1st May. **SEC. 4.** Any person who shall open a house for the purpose of vending goods, wares, or merchandise in this City, after the first day of May in any year, shall be liable to pay on such stock of goods, wares and merchandise, such a rateable proportion of the tax laid on goods, wares and merchandise of a similar class or description in this City for that year, as shall correspond with the unexpired part of said year, and it shall be the duty of the Assessor forthwith to Assess the same, and if the time for the return of his list has expired, to make a separate return thereof.

Salary. **SEC. 5.** The Assessor shall receive for his services such compensation as may be determined upon by the Board.

Penalty. **SEC. 6.** If the Assessor wilfully fail to perform any of the duties imposed by this Ordinance, he shall be fined in a sum, not less than ten dollars for each and every offence, and shall moreover be liable upon his official bond.

AUCTIONEERS, COMMISSION MERCHANTS, ETC.

AN ORDINANCE

Concerning Auctioneers, Commission Merchants, &c.

SEC. 1. Be it ordained, That no person shall carry on the business, or perform the duties of an Auctioneer in this City, without first obtaining a license therefor from the City Clerk, as hereinafter provided, under a penalty of fifty dollars for each offence.

Auctioneer to be licensed.

Penalty.

SEC. 2. That it shall be the duty of the City Clerk upon application being made to him by any person desiring to obtain a license as Auctioneer, and upon the payment to him of the sum of five dollars, and upon the execution by such applicant, of a bond with good security, to be approved by the Clerk, in the penal sum of One Thousand Dollars, payable to the Mayor of the City of Huntsville, and conditioned that he will "upon application by the City Assessor, furnish to him a full and correct statement under oath (which oath may be administered by the Assessor,) of the total amount of all sales made by him for the year ending on the first day of May preceding, (excepting those exempted from taxation by the laws of the State.) And that he will pay to the Tax Collector of this City the amount of taxes Assessed upon such sales"—to issue to such applicant a license to carry on the business of a public Auctioneer in this City for the space of one year, provided, that no person shall be so licensed who is not then licensed by the Commissioner's Court for the County of Madison. And any person licensed as an Auctioneer, who shall fail to comply with any of the conditions and requirements of the above described bond, shall be fined in the sum of fifty dollars for each offence.

Duty of Clerk.

License.

Tax for Bond, &c.

Who may be licensed.

SEC. 3. That it shall be the duty of each Commission Merchant, or any other person who shall sell any goods, wares and merchandise, or any other property, on Commission in this City, or shall permit the same to be done by any other person on his premises, to render annually to the City Assessor, when required by him, a full and correct report under oath, (which oath may be administered by the Assessor,) of the amount of all the sales so made up to the first day of May preceding. And if any person shall fail or refuse to make such report when required, or shall make a false report, it shall be the duty of the Assessor to report him to the Mayor, who shall upon conviction fine him in the sum of fifty dollars for each offence.

Commission Merchants.

To be licensed.

Duty.

Penalty.

SEC. 4. That no transient Merchant or dealer in goods, wares, merchandise, drugs, medicines, or other commodities, or property, shall sell, or offer the same for sale in this City without first obtaining a license therefor from the City Clerk, for which license he shall pay the sum of ten dollars, and a further tax of one-half of one per cent on the cash value of all

Transient Merchants.

Tax.

Valuation of goods. the goods, wares, &c., to be offered for sale by him. Said valuation shall be made under oath by the person applying for such license. And if any person shall violate any of the provisions of this section either by selling, or offering to sell any goods, &c., without license, or by failing to make a full and correct report and valuation of such goods, &c., or by any other manner or evasion, he shall be fined not less than twenty dollars for each offense.

Who are transient merchants. Sec. 5. That all persons shall be deemed transient Merchants who shall sell, or offer for sale in this City any goods, commodities, &c., not intending to carry on such trade for the space of one year, and not being regularly licensed as a Merchant—notwithstanding they may have deposited the said goods, &c., in the house of any Commission Merchant, Auctioneer, &c.

BAWDY HOUSES—PROSTITUTES.

Bawdy Houses. Sec. 1. Be it ordained, That any person who shall keep a bawdy house, or house of ill-fame in this City, or shall permit any house owned or controlled by him, to be kept as such, or who shall permit any lewd or disorderly conduct on his premises, shall be fined not less than twenty dollars for each offence, and in a like sum for each and every day such house shall continue to be so kept. And to establish the character of such house it shall be sufficient to show that notoriously lewd women reside in, or are in the habit of visiting it, and that it is visited at the same time by men who do not reside therein.

Prostitutes. Sec. 2. All public prostitutes, or such persons as lead a notoriously lewd and lascivious course of life, and all persons not being lawfully married, who shall co-habit, or live together as man and wife, shall pay a fine of not less than twenty-five dollars.

BEGGARS AND VAGRANTS.

An Ordinance respecting Beggars and Vagrants.

Police arrest vagrants. Sec. 1. Be it ordained, That hereafter, whenever any person shall be wandering or begging about the City, or within the same, having no visible means of an honest support and maintenance, or otherwise guilty of Vagrancy, it shall be the duty of any Police Officer of the City in whose view the said person should be wandering about, with or without a warrant, forthwith to arrest said person, and report him, her or them to the Mayor.

SEC. 2. After due examination, if the Mayor shall decide said person to be a Vagrant, he shall fine said person so convicted in a sum not less than one dollar, and not more than twenty dollars, in his discretion.

Penalty.

BILLIARD SALOONS, ETC.

SEC. 1. Be it ordained, That it shall not be lawful for any person to set up or keep any Billiard Table, or Jenny Lind, Bagatelle, or other Table, or device of like kind and description in this City, for public play, or for profit, without first obtaining a license therefor from the City Clerk, and that any person having possession or control of such table either as owner, occupant or agent, who shall set up or keep the same without such license, shall be fined in the sum of twenty dollars, and in the further sum of ten dollars for each day the said table is so kept.

To be licensed.

Penalty.

SEC. 2. That it shall be the duty of the City Clerk upon the payment to him of fifty dollars, to issue to the applicant (if he be satisfied that such applicant be a man of good moral character) a license to set up and keep a Billiard, Jenny Lind or other Table as aforesaid, in this City for the space of one year from the date thereof—and for issuing such license the Clerk shall receive a fee of one dollar.

Clerk to issue license.

License for one year.

Fee.

SEC. 3. That if any person occupying, or having under his control any house or premises in which such table is kept, or if any person having the control of such table, either as owner, occupant or agent, shall allow any betting or gaming, or any disorderly conduct, or any loud and unusual noises, in or about the same, or shall allow any minor to play any game upon said table, or to bet or game in said house, or upon said premises, without the written consent, or in the actual presence of the parent or guardian of such minor, he shall be fined in the sum of twenty dollars for each offence.

Not to allow gaming or disorderly conduct.

Minors not to play.

Penalty.

SEC. 4. That each Billiard Saloon, &c., so licensed shall be closed at twelve o'clock midnight, on each and every night and on the Sabbath, under a penalty of twenty dollars for each offence. And it shall be the special duty of the Police to see that such Saloons, &c., are closed, as herein required, and to arrest the keeper thereof for any violations of the provisions of this Ordinance.

To be closed at midnight.

Duty of police.

BOARD OF MAYOR AND ALDERMEN.

AN ORDINANCE

Concerning the Board of Mayor and Aldermen.

Election of members SEC. 1. Be it ordained, That the Mayor and Aldermen of the City of Huntsville shall be elected annually on the third Monday of December as prescribed by the third Section of the "Act Incorporating the City of Huntsville."

Shall take oath. SEC. 2. That before entering upon the duties of their respective offices, the Mayor and Aldermen shall each before the Judge or Clerk of the Probate Court of Madison County, take the oath prescribed by law for the civil officers of this State, and also an oath to perform the duties imposed upon them by the Act incorporating this City, and by the ordinances, laws, rules and regulations adopted, or which may be adopted by the Board, without favor or partiality, of which qualification a record shall be made in the office of the said Probate Court.

May fill vacancies. SEC. 3. That if at any time during their term of office, the Mayor, or one or more of the Aldermen should die, resign, remove from the City, refuse wholly to act, or be disabled or disqualified for acting, the Aldermen shall by ballot elect another in his place, who shall serve during the unexpired term, and whose qualifications, powers and duties shall be the same as if he had been regularly elected.

Meetings. SEC. 4. That the regular meetings of the Board shall be held on the first and third Tuesday's of every month, and any Aldermen who is absent from a regular or called meeting **Penalty for absence.** (provided that he has been notified of such called meeting,) shall for each absence forfeit and pay the sum of one dollar; unless excused by the Board at their next regular meeting.

BOWLING SALOONS—TEN PIN ALLEYS, ETC.

An Ordinance respecting Bowling Saloons, &c.

License. SEC. 1. Be it ordained, That no person shall erect or keep any Ten Pin Alley or Bowling Saloon within this City without first applying and paying for the license required by the Revenue Ordinance to be paid for the same.

Terms & conditions. SEC. 2. That hereafter the Mayor and Aldermen may grant the privilege of erecting and keeping a Ten Pin Alley or Bowling Saloon within the corporate limits of this City upon the terms and conditions following: The applicant shall be recommended in writing by at least six respectable free-holders or house-holders, residing within the ward in which the said Ten Pin Alley or Bowling Saloon is desired to be loca-

ted: the place at which the same is proposed to be erected or kept shall be named, and if there be no objection, either to the location, or the character of the applicant in the opinion of the Board, the application may be granted, upon the payment of a tax of one hundred dollars, whereupon the Clerk shall issue a license to such person for the term of one year from its date.

Tax.

Clerk issue license.

SEC. 3. That if any person who shall occupy such house or premises in which said Ten Pin Alley or Bowling Saloon is kept, or have the same under his control either as occupant, agent or owner, and shall suffer or permit any gaming at cards or any other kind of gaming, prohibited by the laws of this State, or permit spirituous liquors to be kept either for sale or to be given away in or about said house or premises, or any house in connection with the same, or permit any disorderly conduct, or playing for wages or stakes of any description upon said Alley or Bowling Saloon, or any unusual or loud noises to the disturbance of the citizens of said City, or shall allow any minor or youth under twenty-one years of age to play any game in said house without the written consent of the parent or guardian, or unless the parent or guardian be present, he shall forfeit and pay the sum of twenty dollars for each and every offence.

Not to allow gaming

Spirituous liquors, &c.

Disorderly conduct.

Minors not allowed to play. Penalty.

SEC. 4. And it shall be the special duty of the City Police, to see that said houses are closed at 12 o'clock on each and every night, and that said houses are also closed on Sunday as other business houses; and if said houses are kept open and lighted up at night for the purpose of business after 12 o'clock as aforesaid, or if they are kept open on Sunday, the keeper thereof shall be fined as specified in Section 3 of this Ordinance.

Duty of police.

Penalty.

BUILDINGS.

An Ordinance respecting Buildings.

SEC. 1. Be it ordained, That hereafter it shall not be lawful for any person to erect or cause to be erected on the Public Square of this City or within three hundred feet of the same, any frame building, constructed of wood; and any person who shall hereafter erect or cause to be erected on the Public Square of said City, or within three hundred feet of the same, any frame building, constructed of wood, shall forfeit and pay the sum of fifty dollars, for each and every day that said building is allowed to stand, either in process of erection or when completed.

Wooden buildings.

Penalty.

Chimneys. SEC. 2. That if any person build or permit to be built on his lot within the City limits a chimney of any other materials than stone or brick and mortar, he so offending shall forfeit and pay a sum not exceeding twenty dollars for each and every offence.

Dangerous Buildings. SEC. 3. That whenever any wall or other part of any structure or building shall become dangerous to persons passing on the street, the City Constable shall cause the same to be torn down at the expense of the owner thereof, and any person resisting the Constable, after five Aldermen shall have certified in writing, that such wall or building is dangerous, or any person refusing to pay the cost of the removal of such wall or other structure, shall for each and every day it remains standing after such notice, be adjudged guilty of a separate misdemeanor, and subject to a fine of not less than ten dollars.

Resisting Constable.

Penalty.

BURYING GROUNDS.

An Ordinance respecting Burying Grounds.

Burying Ground established. SEC. 1. Be it ordained, That the lot of land now known and used as the public Burial place, be and hereby is established as the public Burying Ground of this City, and no person shall make or cause to be made, or permit any interment at any other place within the limits of this City, under a penalty of not less than twenty-five dollars. No interment shall be made between sundown and daylight without the written consent of the Mayor, and no grave shall be less than four feet in depth.

Duties of Sexton. SEC. 2. That the City Constable shall discharge the duties of City Sexton, and shall have charge and supervision of the Burying Ground. It shall be his duty to keep the said Burying Ground, and the walls, fences, gates, trees, walks, and avenues in and about the same, in good order and repair, and to prevent the same from being injured or defaced: To measure and set off the ground for lots or graves, and to arrange the same in conformity with the plan of the said Burying Ground, so as to preserve regularity therein: To attend the burial of all persons in the Burying Ground, and to direct the digging and filling up of all graves, and the opening and closing of all tombs or vaults: To keep in a suitable book, a register of all persons buried in the said Burying Ground, showing the name, age and sex of each, with their places of birth and residence, and the cause of death, and to deliver to the Board a copy of the same quarterly: To make a quarterly report to the Board showing the number and location of the lots and graves selected or sold, with the names of the

persons choosing or purchasing the same, and the amount received from each, and to collect all money due for lots and graves, and pay the same to the City Clerk: And for digging and filling each grave, he shall receive three dollars.

SEC. 3. That the lots in the said Burying Ground shall be laid off regularly, in rectangular form, measuring ten feet by eighteen—and each resident of the City, who is the head of a family, shall be entitled to one of said lots, and each resident of the City not the head of a family is entitled to sufficient space for a single grave in any unappropriated part of said ground without cost. And any lot or grave not so selected and appropriated may be sold to any person desiring the same at the following prices, viz:—For each lot the sum of ten dollars, and for each separate grave three dollars—and the money received for such lots and graves shall be set apart and used for the purpose of improving the said Burying Ground and keeping the same in order. And it shall be the duty of the Sexton to issue to each person who may select or purchase any lot or grave in said ground, a certificate specifying the said lot or grave, which certificate shall vest in such person, his heirs or assigns, the exclusive right of using such lot or grave as a burial place.

Lots and
Graves.

SEC. 4. That if any person shall commit any trespass or nuisance, or permit the same to be committed in the said Burying Ground, or shall do or permit any act calculated to injure or deface any fence, gate, or wall, or any tombstone, monument, vault or railing, or any tree or shrub, or any walk or road, or to hitch or tie any horse or other animal to any tree or shrub in or about the said Burying Ground, or to ride or drive therein at any gate faster than a walk, he shall be fined not less than five dollars, or if a slave shall receive not less than ten lashes, for each and every offence.

Penalty
for injuring
monuments

SEC. 5. That if any person shall die in this City without the means of paying his or her funeral expenses, and his or her friends or relations (if any) are unwilling to pay for the same, it shall be the duty of the City Sexton to bury such person at the expense of the City. And for each person so buried the Sexton shall receive one dollar from the City.

Funerals

SEC. 6. That the lot of ground now known and used as a public Burial place for slaves and free persons of color, shall be under the general supervision and control of the City Sexton, and that so much of this Ordinance shall be applicable thereto, as may be necessary to protect the same from injury or molestation.

Next to
burying
ground.

SEC. 7. That if the City Sexton shall refuse or neglect to discharge any of the duties herein prescribed, or shall improperly treat or misuse any dead body, he shall be fined not less than twenty-five dollars for each offence or be dismissed from office, or both, at the discretion of the Mayor.

Penalty
for neglect
of duty.

CALABOOSE.

An Ordinance concerning the City Calaboose.

SEC. 1. Be it ordained, That the City Constable shall be the keeper of the City Calaboose, and it shall be his duty to keep the same clean and in good order, and to guard and keep safely the prisoners confined therein, and to supply all their necessary wants, and to furnish them with sufficient wholesome food three times per day. He shall keep a register in which he shall enter the name of each person committed to the Calaboose, and the charge upon which and the length of time for which he was committed, and the amount of fees received from him—and shall report the same to the Board of Aldermen at their first regular meeting in each month.

SEC. 2. That one room in the Calaboose shall be set apart for the blacks and the other for the whites, who may be committed to it, and in no case shall a white person be confined in the same room with a person of color.

SEC. 3. That any person arrested for a violation of any of the Ordinances of this City, during the night, or at such a time, that it may be inconvenient to bring him before the Mayor for examination, shall be committed to the Calaboose for safe-keeping, until he can conveniently be brought out for trial. But no person shall be committed to the Calaboose; other than such as have been arrested for violations of the City Ordinances.

SEC. 4. That when the keeper may deem it necessary, from the violent conduct of any prisoner, or to prevent his escape—he may put him in irons.

SEC. 5. That for every person committed to the Calaboose, the keeper shall charge and receive the sum of one dollar, and for each meal furnished them, twenty cents if the prisoner be a free person, and fifteen cents if he be a slave, which sums shall be paid by the prisoner if he be a free person and by his owner or employer if he be a slave.

SEC. 6. That the keeper of the Calaboose shall receive such compensation as may be determined by the Board of Aldermen.

CLERK.

AN ORDINANCE

To Define the Duties of the City Clerk.

SEC. 1. Be it ordained, That it shall be the duty of the City Clerk, to attend all meetings of the Board of Aldermen, and to keep a full and correct record of all their proceedings, orders, regulations and Ordinances, which shall be read to the Board at their next meeting, and when approved by them, be signed by the Mayor or presiding officer: To keep in a suitable book a docket of all causes instituted before the Mayor, whether as such or a Justice of the Peace, showing the order in which they are instituted, and all the orders and judgments therein, and noting the dates of the issuance and delivery of all process, to whom delivered, and the return thereon or the substance thereof. And to keep in another book a minute or record of the orders, judgments, &c., made and rendered, in said causes: To record in a separate book all the Laws and Ordinances passed by the Board, and to have the same published in some newspaper printed in this City, as soon as practicable after their passage, under the direction of the Board: To issue all licenses authorized by the City Ordinances not otherwise provided for, and to charge and receive the fees for the same: To take all bonds and securities from officers and others in all cases when the same are required by the City Ordinances, except when it is otherwise specially provided: To receive and receipt for all fines, forfeitures, and penalties assessed by the Mayor, or collected by any officer, and all taxes and other moneys due and payable to the City from any source whatever, excepting the annual taxes of the City, and to pay over the same to the City Treasurer, monthly or oftener, and take his receipt therefor: To keep a regular set of books in which he shall enter all the appropriations, and keep a regular account of all the receipts, expenditures and indebtedness of the City: To report in writing to the Board, at their first regular meeting in each month, all the moneys that have come into his hands from any source whatsoever, from whom received, on what account, &c., and to exhibit to them at the same time a balance sheet of his books: To record in a separate book the reports of the several officers of the City, and to make out such reports, estimates and accounts as the Mayor or Board of Aldermen may direct. To have all his books carefully and completely indexed, and to carefully file and preserve all books and papers which may appertain or belong to his office: To keep his office open, and the books and papers therein accessible at all reasonable hours to any person having business with them. And to perform all other duties which may be required of him by the City Ordinances.

Duties of
Clerk.

SEC. 2. That the City Clerk shall receive for his services such compensation as the Board may determine. And that for any neglect of duty, or malfeasance in office, he shall be fined not less than ten dollars for each offence, or removed from office or both at the discretion of the Board, and he shall moreover be liable therefor upon his official bond. And for absence from any meeting of the Board he shall be fined two dollars, unless excused for good cause shown. And before entering upon the duties of his office he shall give bond in such amount as may be required by the Board of Mayor and Aldermen, with two securities to be approved by said Board, for the payment to the Treasurer of all moneys that may come into his hands, belonging to the Corporation, and the faithful performance of his duty as Clerk.

COLLECTOR OF TAXES.

An Ordinance concerning Collector of Taxes.

SEC. 1. Be it ordained, That the City Collector of Taxes shall, so soon as he receives the Tax list from the City Assessor, give notice, through one of the newspapers, printed in this City, requiring all persons to come forward and pay the Taxes and rates assessed against them, and he shall also make personal application and demand for the payment of the same. And if the said taxes, or rates, or any part thereof, be not paid within one month after such notice and demand, he shall make a return in writing, of all such delinquents to the Mayor, who shall thereupon issue an execution against them respectively for the amount of said taxes, or rates, or so much thereof as may remain unpaid, with ten per cent. thereon and costs to be levied of their goods and chattels, lands and tenements.

SEC. 2. That the Collector shall sell the property levied on for the payment of Taxes, or rates, or so much thereof as may be necessary for the payment of the same at public auction, to the highest bidder, for cash, first giving at least thirty days notice of the time and place of such sale, by advertisements posted up at the doors of the Court House and Market House in this City, and by publication in one of the City newspapers, if the said property be real estate, and ten days notice if it be personal property. And any property assessed to an unknown owner, the Taxes on which have not been paid, shall be levied on and sold as other property.

SEC. 3. That the Collector shall give to the purchaser at such sale, a certificate of such purchase, which shall be attested by the City Clerk, and shall entitle the said purchaser to the possession of the said premises, or property, until redeemed according to the laws of this State.

SEC. 4. That the Collector shall be charged with, and accountable for the whole amount of Taxes and rates assessed for each year, and shall be released from said liability only by showing his utter inability to collect the same, by the exercise of the utmost diligence, either on account of the insolvency of the parties, or from some other cause.

Collector
accountable
When re-
leased.

SEC. 5. That the Collector shall once in every two weeks pay over to the City Clerk all moneys that he shall have collected, and he shall make a report thereof in writing to the Board of Aldermen at their first regular meeting in each month, showing the names of the persons from whom such money was collected, and the amount received from each.

Pay to
Clerk.
Monthly
reports to
Board.

SEC. 6. That if the Collector shall ascertain the existence, in this City, of any persons or property not included in the assessment list, he shall proceed at once to assess the same as is required of the City Assessor, and to collect the Taxes thereon. And for each assessment so made by him, he shall receive the same compensation as that paid to the Assessor.

Shall as-
sess prop-
erty not pre-
viously as-
sessed.

SEC. 7. That if the Collector shall not complete the collection of all the Taxes assessed within five months after he has received the assessment list from the City Assessor, or shall fail to make due return of all delinquents, or neglect or refuse to discharge any of the duties of his office, he shall be fined the sum of fifty dollars in each case, and shall moreover be liable upon his bond.

Penalty.

SEC. 8. That the Collector shall receive for his services such compensation as the Board may determine.

Pay.

CONDEMNATION OF REAL ESTATE.

AN ORDINANCE

Respecting Condemnation of Real Estate.

SEC. 1. Be it ordained, That hereafter, whenever it shall be deemed necessary to take private property for public use, in pursuance of the method pointed out in the 14th Section of the Charter, the following shall be the manner in which such condemnation and taking of property shall be conducted and carried out:

Manner in
which prop-
erty may be
condemned.

SEC. 2. A resolution shall first be submitted to the Board of Aldermen, showing explicitly the necessity or convenience of the condemnation of property proposed to be made and in general terms describing the property to be condemned.

Resolution
submitted
to the Board

SEC. 3. Said resolution shall lie upon the table of the Board until the next regular meeting, and in the meantime, the grounds so proposed to be condemned and taken for public use, shall, under the direction of the Executive Committee, be surveyed and staked off.

Grounds to
be surveyed
and staked
off.

SEC. 4. When the survey and plat provided for above shall have been presented to the Board, the resolution originally proposed shall be finally acted upon, with such amendments or alterations as may be deemed necessary, and said resolution shall also authorize and direct the Executive Committee to confer with the owners of said grounds to receive propositions, and to ascertain what terms of settlement can be agreed upon with said owners, which said propositions the Executive Committee shall report to the Board at its next meeting.

SEC. 5. If the amount of compensation to be paid to the owners cannot be agreed upon by the parties, then a jury shall be appointed in the manner prescribed in the 14th Section of the Charter, whose duty it shall be to ascertain the amount to be paid as compensation in the manner following :

SEC. 6. The jury shall assess and agree upon the cash value of the land, proposed to be condemned, as it may then be, without reference to any value supposed to be added to it, or to the surrounding land, by the proposed condemnation, and without reference to any loss supposed to be accruing from the same, but as far as possible the value of the land to be taken shall be computed and fixed upon as if the proposed condemnation had never been attempted ; if the land or ground proposed to be taken has upon it fences, out houses, or other fixtures of the kind, for the loss or removal of which the owner claims damages, the jury shall fix and agree upon said damages.

SEC. 7. The jury in their reports, shall fix upon the exact sum which each owner of the property so taken, is to receive from the City; if said report is not appealed from within ten days, the Board thereafter, upon payment of the damages assessed, or a tender thereof, shall be authorized to take possession of the grounds or lands so condemned.

CON STABLE.

AN ORDINANCE

Regulating the Duties of the City Constable.

Duties of City Constable. SEC. 1. Be it ordained, That it shall be the duty of the City Constable promptly and faithfully to execute and return all summonses, orders, notices and process of the Board, and all warrants, executions, judgments and other process issued by the Mayor, which may be directed or delivered to him: To have and exercise special guardianship over the peace, safety and good order of the City: To enforce all the Ordinances of the City: To report any violation thereof to the Mayor, and

to arrest all offenders, and bring them before him for trial : To cause all nuisances to be abated, and to report the existence of the same to the Mayor : To act as chief of the City Police, and to see that the subordinate officers discharge their duties, and that no Ordinance of this City or law of this State is violated with impunity : To keep and retain all persons convicted of any violation of the Ordinances of the City in custody until they are discharged by due course of law : To act as Market Master, City Sexton, keeper of the Calaboose, and keeper of the Powder Magazine, and to discharge the respective duties of these offices : To pay to the City Clerk, and in every two weeks, all moneys due or belonging to the City, which he may have received, and to make a report to the Board in writing, at their first regular meeting in each month, of all money, fees, fines, &c., which may have come to his hands from any source whatever, showing from whom received, on what account, &c. : To attend all meetings of the Board of Aldermen, and all trials before the Mayor, and to discharge all the duties, which may be required of him by the Ordinances of the City, or by the Mayor or Board of Aldermen.

SEC. 2. That the City Constable, in the discharge of his duties as such, or in the execution of any legal process issued by the Mayor, shall possess and enjoy all the powers, rights and fees granted to Constables by the laws of this State, and that, for the discharge of all duties not therein provided for, he shall receive such compensation as may be determined by the Board of Aldermen ; and for any failure, or neglect in the performance of any of his several duties he shall be subject to such fines and penalties, as the Board may determine, upon an examination of the case, and shall moreover be liable therefor upon his official bond.

SEC. 3. That the City Constable shall be authorized, whenever he may deem it necessary to summon any citizen or bystander to his assistance ; and if any person shall refuse, or fail to obey such summons, and render such aid and assistance, he shall be fined not less than twenty dollars.

Power,
fees and li-
abilities.

May sum-
mon by-
standers to
assist.

Penalty.

DISEASES.

An Ordinance respecting Diseases.

- Duty of Mayor.** SEC. 1. Be it ordained, That if the Mayor shall have reason to believe, that any person suffering from, or who may have been recently exposed to any infectious or contagious disease, has come, or is about to come within the corporate limits of this City, it shall be his duty to cause an examination of such person, to be made by two or more Physicians of the City.
- Cause as examination.** and if after such examination, the said Physicians should be of opinion, that it would be unsafe to the health of the City to permit such infected or exposed person to enter or remain in said City, the Mayor shall cause the City Constable to remove such infected person from the City limits, or to prevent their entrance therein, until it may be safe in the opinion of the Physicians aforesaid, to enter or remain in the City.
- Duty of City Constable.**
- Duty of Physicians.** SEC. 2. It shall be the duty of every Physician in this City to report to the Mayor every case of Small Pox or other contagious disease, which he may be called upon to attend within the City limits, or within ten miles of the same, within twelve hours after the same shall have come to his knowledge, under a penalty of not less than twenty-five dollars.
- Penalty.**

DOGS.

An Ordinance respecting Dogs.

- SEC. 1. Be it ordained, That a tax of fifty cents per head shall be levied and collected annually from the owner of any Dog, and every Dog within the city, to be assessed and collected as other taxes; provided, that this Ordinance shall not apply to Dogs belonging to persons not residing within the corporate limits of the city.
- Tax on Dogs.**
- Proviso.**
- SEC. 2. That if the Master, owner, or employer of any slave, shall knowingly permit such slave to keep or own any Dog, within the city limits, he shall forfeit and pay the sum of two dollars, and for each and every day, that the Dog is so kept by said slave, thereafter, such master, owner, or employer shall pay the sum of one dollar.
- Tax on master for allowing slave to keep dog.**

DRAYS, CARTS, WAGONS AND CARRIAGES.

AN ORDINANCE

Concerning Drays, Carts, Wagons, &c.

SEC. 1. Be it ordained, That any person desiring to run a Dray, Cart, Wagon, Omnibus, or other Carriage, for the conveyance of persons or property, within the city, for public hire, shall first obtain a license therefor from the city clerk, whose duty it shall be to keep a book, in which he shall record the names of all persons taking out licenses for such drays, carts, wagons or carriages, and their numbers.

License
required.Clerk to
keep a book.

SEC. 2. That for each and every license the city clerk may issue, under this Ordinance, he shall be authorized to charge and receive a fee of one dollar.

Clerk's
fee.

SEC. 3. That the following prices shall be charged for each license so issued, viz: for each cart, or dray, or other vehicle drawn by one horse, five dollars; for each cart or dray, carriage or other vehicle, drawn by two horses, seven dollars and fifty cents; for each cart or dray or other vehicle drawn by three horses, ten dollars; and for each cart, dray, omnibus, wagon or other vehicle drawn by four horses, fifteen dollars. And that in said license, the number of such dray, cart or other vehicle shall be inserted.

Rate of
tax.Number
of vehicle.

SEC. 4. That all licenses for driving drays, carts, wagons, omnibuses and other carriages for hire, within the city, shall continue in force for one year, and no longer. And every person who shall have obtained such license shall be obliged, and they are hereby required at all times of the day, Sundays excepted, to carry all goods, wares, merchandise and commodities, on application being made and the money tendered; and for every neglect or refusal so to do, shall forfeit and pay the sum of ten dollars; provided, always, that the owner of such cart, dray, wagon or other carriage, shall not be subject to the aforesaid penalty, who can prove by the testimony of any credible witness, that such cart, dray, wagon or other carriage, was at the time pre-engaged to work for some person immediately, or shall offer such other reasonable excuse as shall be approved of by the Mayor.

License
for one year.Required
to carry.

Penalty.

Excuse.

SEC. 5. That each dray, cart, wagon, or other vehicle, used for public hire, shall be numbered by the owner thereof, to correspond with the number inserted in his license, and that for a failure to number the same, the owner thereof shall be fined in any sum not exceeding one dollar for each day, the same be used without being so numbered.

Owner to
num. dray.

Penalty.

SEC. 6. That any person, who shall, for public hire and use, run any dray, cart, omnibus, wagon or other vehicle,

Penalty without first obtaining a license therefor, as provided by this Ordinance, shall forfeit and pay on conviction before the Mayor, for each offence, not less than ten nor more than twenty dollars.

FEES OF OFFICERS.

AN ORDINANCE

Regulating the Fees of City Officers.

Sec. 1. Be it ordained, That the Mayor, Clerk, Constable, and other officers of the city of Huntsville, hereinafter named, shall be entitled to receive for the services hereinafter mentioned, the fees thereto respectively annexed, and no others, which shall be collected as other fines, or costs due the city. And each officer shall report to the Board of Aldermen quarterly, unless otherwise specially provided, the amount of fees so received by him. But the city shall not pay any fee to any officer.

CLERK.

Clerk.	For issuing license for each dray, cart, wagon, or other vehicle.	\$0 50
	For issuing any other license.	1 00
	For registering free negro.	0 50
	For registering family of free negroes.	1 00
	For registering free negro removing to City.	1 00
	For registering family of free negroes removing to City.	2 00
	For issuing any certificate.	0 25
	For any copy of the records, or of any papers in the office containing not more than one hundred words.	0 25
	For any copy over one hundred words (at the rate per hundred words of).	0 15
	For taking and approving any official or other bond.	0 50

COLLECTOR OF TAXES.

Tax Col- The City Collector of Taxes shall receive $2\frac{1}{2}$ per cent on the amount of Taxes collected by him.

CONSTABLE.

The City Constable shall receive for serving a Summons	§0 50	Constable.
For Summoning each Witness.....	0 25	
For levying an Execution.....	0 50	
For making money on Execution.....	0 50	
For making arrest.....	0 50	
For whipping slave by order of the Mayor, to be paid by owner.....	1 00	

MAYOR.

The Mayor shall receive for each Summons or Warrant issued.....	0 50	Mayor.
For each Subpoena.....	0 15	
For each Execution.....	0 25	
For each Judgment or order of Sale.....	0 25	
For each Appeal, or Certiorari including Bond and certifying proceedings.....	1 00	
For taking any Bail or other Bond.....	0 50	
For administering Oath and certifying same.....	0 15	
For each Certificate.....	0 25	
For presiding on any Trial.....	1 00	

FENCES.

An Ordinance concerning Partition Fences.

SEC. 1. Be it ordained, That in all cases where it shall become necessary either to erect or repair any division or partition fence between the lots, enclosures or premises of any two or more of the citizens of this city, it shall be obligatory upon each and every owner, or occupant of such lot, enclosure or premises, to pay his, her, or their proportionable part of the expense of erecting or repairing the same. And if any persons, owning or occupying any lot, enclosure, or premises, adjoining, which it shall become necessary to erect or repair any division or partition fence, shall fail or refuse to join in the erection or repairing the same, after application to him, her or them, made by some person interested in such erection or repair, it shall be lawful for any and every such person so interested in such erection or repair to proceed to make any

Pay equal-
ly for par-
tition.

Refusal.

Subject to
suit. such erection or repair, by putting up a cheap, substantial fence and to recover by suit, before any tribunal having cognizance thereof, from each and every person so failing or refusing to join therein, his, her or their proportionable part of the expense incurred by the erecting or repairing any such fence.

FIRE AND FIRE ARMS.

AN ORDINANCE

Respecting Fire and Fire Arms.

SEC. 1. Be it ordained, That no person shall burn any inflammable substance within the corporate limits of the city, shavings or anything of the kind, unless it be done at least eighteen feet from any building or lumber yard.

Fire works
SEC. 2. That no fire works shall take place in the city, without the consent of the Mayor, specifying when and where the same may be exhibited.

Chimneys
and flues
SEC. 3. That no person shall burn out a stove pipe or chimney flue, except when the roof is wet from rain, or covered with snow. And if any chimney shall take fire through neglect of being properly swept or cleaned, the occupant of the house having control of the chimney shall be fined five dollars.

Violating
Sec. 21 and
24 sections
Penalty.
SEC. 4. That any person violating any of the provisions of the first, second and third sections of this Ordinance, shall on conviction thereof, forfeit and pay a fine not exceeding ten dollars.

Stoves &
furnaces.
SEC. 5. That if any stove or furnace shall be set up or placed so as to endanger the building in which it is situated, or any adjoining building, the same shall be removed or made secure, upon notice given by the city Constable or any Alderman of said city: and if not made so secure or removed after notice, the same shall be reported to the Mayor, who shall fine the said offender in any sum not exceeding ten dollars.

Penalty.
DANGER
from fire.
SEC. 6. That if any person shall carry a lighted candle or lamp into any stable, unless the same is secured in a tin, horn or glass, or other secure lantern, or shall keep ashes in barrels, boxes or wooden vessels of any kind in any dwelling house, ware-house, or other building contiguous thereto, or any wooden floor, such person shall forfeit and pay a sum not less than five, nor more than ten dollars for each and every offence: and if a slave, shall be punished with any num-

ber of stripes, not exceeding thirty-nine, at the discretion of the Mayor.

SEC. 7. That no person shall, within the corporate limits of said city, have, put or keep any hay, straw or fodder in stack or pile without having the same enclosed or secured, so as to protect it from flying sparks of fire, under a penalty of not less than five dollars.

Straw, fodder, &c.

Penalty.

SEC. 8. That if any person shall fire a gun, pistol or other fire-arms, (unless in self-defense, or in the execution of the law, or at a military parade, by order of the proper officer,) or throw any fire-balls, fire-crackers or squibs, within the city limits, every such person shall forfeit and pay not less than one, nor more than five dollars; and if a slave, he shall receive not less than five, nor more than thirty-nine lashes, in the discretion of the Mayor.

Fire-arms and fire-balls.

Penalty.

SEC. 9. That any person who shall give or sell to any minor under twelve years of age, or any slave, free person of color any squib, rocket, cracker or other fire-works within the city limits, shall for every such offence, forfeit and pay the sum of twenty dollars.

Not to sell to minors or slaves.

Penalty.

SEC. 10. That no cannon shall be discharged within the city limits, without a permit from the Mayor, designating the place at which said cannon shall be fired; and any person violating this provision shall, for each and every offence, be fined in a sum not exceeding ten dollars, at the discretion of the Mayor; and shall moreover be liable for any damage that may be done by the discharge of said cannon to the property of the citizens of the city.

Firing cannon.

Penalty.

FIRE DEPARTMENT.

AN ORDINANCE

Regulating the Fire Department.

SEC. 1. Be it ordained, That there may be established such a number of Fire Companies, hook and ladder companies and hose and bucket companies as the Board of Aldermen may deem expedient, or necessary for the protection of the city. And that all the engines, carriages, hose, hooks, ladders and other apparatus and implements used by them shall be the property of and subject to the control of the city.

Fire Companies.

Engines.

SEC. 2. That each of such companies shall consist of not less than thirty, nor more than one hundred efficient working members, between the ages of eighteen and fifty years, who shall be enrolled and organized under such rules and reg-

Number of members.

Officers. regulations, and with such officers as they may deem expedient and proper. The officers shall have the power of enforcing the regulations of their respective companies, and of collecting the fines imposed under them. And all such fines may be recovered before the Mayor for the use of the company—

Fines. Provided, that the rules and regulations of each company shall be submitted to the Board of Aldermen for their approval.

Rules to be approved by Board.

Head of Fire department. SEC. 3. That the Mayor shall be the head of the Fire Department of this city, and all the officers and members of the several companies, shall obey his order in time of a Fire, or at an alarm of Fire under a penalty of twenty dollars. And it shall be his duty to inspect the engines and other fire apparatus, as often as he may deem necessary, and to report their condition to the Board.

Duties of Officers. SEC. 4. That it shall be the duty of the officer in command of each company, to cause their engine, and other apparatus to be worked by the company, at least once in each month. To inspect the apparatus of their respective companies, at least once in each month, and if any considerable repairs are necessary to report them to the Board of Aldermen, so that they may be done at the expense of the city: To make an annual report to the Board of the state of his respective company, showing the names of the members and the condition of their apparatus, engine house, &c.: To report immediately to the Board if at any time his company should become ineffective from lack of the full number of members, or from any other cause, and to report to the Mayor any violations of this Ordinance.

Keep apparatus in order. SEC. 5. That it shall be the duty of each company to keep its engine, hose, hooks, ladders and other apparatus in good order, and to have them at all times ready for use, under a penalty of twenty dollars.

Duties of Companies in case of fire. SEC. 6. That whenever a fire shall break out, the firemen shall repair at once, upon the alarm thereof to their respective engines, or other apparatus, and convey the same to the place of the fire, (unless otherwise directed by the officer in command,) and then to manage the same, under the direction of their officer to the best advantage. And after the fire is extinguished, they shall not disperse until directed to do so by their commanding officer, under a penalty of two dollars.

Engine not to be removed except by members. SEC. 7. That no fire engine, or other fire apparatus shall be removed from its house or place of deposit, unless a member of the company to which it belongs, is present, under a penalty of ten dollars upon each person engaged therein; and that any person who shall injure or destroy any engine, hose or other apparatus, or shall attempt to hinder or obstruct any fireman in the discharge of his duty, shall be fined not less than twenty dollars for each offence.

Penalty.

SEC. 8. That all persons attending a fire, not a member of any fire company, shall be required to assist the firemen, if called on by the Mayor or any officer of a fire company.— And any person who shall refuse to render reasonable aid when so called upon shall be fined not less than ten dollars.

Persons at-
tend'g fires
to assist.

SEC. 9. That the officers and members of each company organised under this Ordinance, so long as they discharge the duties herein required, shall be exempt from paying the city poll tax, and the tax in lieu of working on the streets.

Exempt
from tax.

FORMS OF PROCESS, ETC.

SEC. 1. Be it ordained, That in all matters arising out of the Laws and Ordinances of this city, the following forms may, in substance, be used, viz:

FORM OF SUMMONS.

State of Alabama, }
City of Huntsville. } Mayor's Office.

To the Constable or any Policeman of the City of Huntsville:

You are commanded to summon _____ to appear before me at _____ o'clock on _____ the _____ day of _____ 18 _____ at the Mayor's office of the City of Huntsville, to answer to a charge of _____ and you will there and then make return of this summons.

Form of
Summons.

Issued, Huntsville, } [Signed]
_____ day of _____ 18 _____. } Mayor.

FORM OF WARRANT OF ARREST.

The State of Alabama, }
City of Huntsville. } Mayor's Office.

To the Constable or any Policeman of the City of Huntsville:

Complaint on oath having been made before me, that the offence of _____ has been committed, and accusing _____ thereof.

Form of
Warrant.

You are therefore commanded forthwith to arrest _____ and bring him before me.

Dated _____ day of _____ 18 _____. Signed, _____ Mayor.

FORM OF SUBPENA.

State of Alabama,)
 City of Huntsville.) Mayor's Office.

To the Constable or any Policeman of the City of Huntsville:

Form of subpoena. You are hereby commanded to summon _____ to appear before me at _____ o'clock on _____ the _____ day of _____ 18____ at the Mayor's Office of the City of Huntsville, to give evidence on behalf of _____ (the Plaintiff or Defendant as the case may be) in a certain cause pending before me, wherein _____ is Plaintiff and _____ is Defendant. And you will then and there make return of this writ.

Issued _____ day of _____ 18____. (Signed) _____ Mayor.

FORM OF EXECUTION.

The State of Alabama,)
 City of Huntsville.) Mayor's Office.

To the Constable or any Policeman of the City of Huntsville:

Form of execution. You are hereby commanded that of the goods and chattels, lands and tenements of _____ you cause to be made the sum of _____ dollars, which _____ (the Mayor and Aldermen of the City of Huntsville or whoever the Plaintiff may be) recovered of him in the Mayor's Court of this City, on the _____ day of _____ 18____ and the costs of suit. And have the same to render to the said _____ (the Plaintiff) and make return of this writ and the execution thereof, to the Mayor of this City, at his office on the _____ day of _____ 18____.

Witness my hand, this the _____ day of _____ 18____.
 Signed, _____ Clerk.

OR THIS,

State of Alabama,)
 City of Huntsville.) Mayor's Office.

Mayor's Court of Huntsville held _____ day of _____ 18____.

To the Constable or any Policeman of the City of Huntsville:

Form of Execution for fines, &c. You are hereby commanded to take the body of _____ and him safely keep at labor for the term of _____ days, unless the following fine and costs are paid:

The Mayor and Aldermen of the City of Huntsville,	} Fine for _____ \$____ Costs, _____ Expenses of Prison Keeping, _____
vs.	

Issued the _____ day of _____ 18____. (Signed) _____ Mayor.

FORM OF BAIL BOND FOR OFFENCE AGAINST
LAWS OF THE STATE.

The State of Alabama, }
County of Madison. }

We, A. B., C. D., and E. F., agree to pay to the State of Alabama _____ Dollars, unless the said A. B. appear at the next term of the Circuit Court of Madison County, and from term to term thereafter, until discharged by law, to answer the offense of

Huntsville, _____ 18 . (Signed) A. B.
Approved, _____ C. D.
Mayor. E. F.

FORM OF BOND TO KEEP THE PEACE, OR TO
REFRAIN FROM VIOLATING THE ORDINANCES
OF THE CITY.

State of Alabama, }
City of Huntsville. }

We A. B., C. D., and E. F., agree to pay to the Mayor and Aldermen of the City of Huntsville, _____ dollars, if the said A. B. does not keep the peace for _____ months from this undertaking, towards all the citizens of this city and particularly towards _____ or if the said A. B. does not for _____ months from this undertaking, refrain from any violation of the Ordinances of this City, and particularly of the Ordinance _____.

Dated _____ day of _____ 18 . (Signed) A. B.
Approved, _____ C. D.
Mayor. E. F.

FORM OF RECOGNIZANCE OF WITNESSES

State of Alabama, }
Madison county. }

We A. B., C. D., and E. F., witnesses against (or in behalf of) G. H. charged with a public offence, do each agree to appear at the next term of the Circuit Court of Madison County to give evidence against (or for) him, and failing to do so, to pay to the State of Alabama (or, to G. H.) _____ dollars.

Dated _____ day of _____ 18 . (Signed) A. B.
Taken before me, _____ C. D.
_____, Mayor. &c.

FORM OF COMMITMENT.

The State of Alabama, } Mayor's Office of the
 County of Madison. } City of Huntsville.
 To the Jailor of Madison County.

Form of Commitment. On examination of _____ charged with the offence of _____, it appearing that such offense has been committed, that there is sufficient cause to believe that _____ is guilty thereof.

You are therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Admit to bail in the sum of _____ dollars.

Dated _____ day of _____ 18 _____.

 Mayor.

FORM OF BOND FOR CITY OFFICERS.

State of Alabama, }
 County of Madison. }

Form of Bond for City officers. We A. B., C. D., and E. F., acknowledge ourselves to be indebted to _____ the Mayor of the City of Huntsville and his successors in office, in the sum of _____ dollars for the payment of which we bind ourselves, and our heirs, executors, administrators and assigns, jointly and severally by these presents.

The condition of the above obligation is this: that whereas the said A. B. was on the _____ day of _____ 18 _____, elected (or appointed) by the _____ of the city of Huntsville, of the said City, for the municipal year ending on the day of _____ 18 _____.

Now, therefore, if the said A. B. shall truly and faithfully execute and perform the duties of the said office, according to the provisions of the charter of the City of Huntsville, and the amendments thereto, and all orders, ordinances, by-laws, and resolutions of the Mayor and Aldermen of said City, now in force or hereafter made, to the satisfaction of the said Mayor and Aldermen, then this obligation to be null and void, otherwise to remain in full force and effect.

Signed with our hands, and sealed with our seals, this the _____ day of _____ 18 _____.

Signed,

A. B. [SEAL.]

C. D. [SEAL.]

FORM OF OFFICIAL OATH.

I solemnly swear that I will support the Constitution of the Confederate States, and of the State of Alabama, and that I will observe and obey the charter of the City of Huntsville, and all the Ordinances, laws and regulations adopted, or which may be adopted, by the Board of Mayor and Aldermen of the said City, while I remain a citizen thereof, and that I will well, truly, and faithfully discharge all the duties of the said City to the best of my knowledge and ability, so help me God.

Form of Official Oath

Subscribed and sworn to before me. (Signed) _____
 Huntsville, 18 . _____

Mayor.

FORM OF VERDICT OF JURY IMPANELLED TO ASSESS THE AMOUNTS TO BE PAID FOR ESTABLISHING OR EXTENDING A STREET, &c.

We the jury impanelled to assess the amounts to be paid for establishing (or repairing) _____ street, do find that the costs will be _____ dollars; and we assess that

A. B. shall pay \$ _____
 B. C. " " \$ _____
 C. D. " " \$ _____

Huntsville _____

(Signed by the Jury)

D. E.
 E. F.
 F. G.
 &c., &c.

FREE NEGROES.

An Ordinance concerning Free Negroes.

SEC. 1. Be it ordained, That it shall not be lawful for any free person of color who has become an inhabitant of this State since the first day of February, A. D., 1832, to remove to, or reside in this City, under a penalty of twenty dollars. And if any person convicted under this section shall remain in this City longer than twenty-four hours after such

What free negroes not allowed to reside in this city.

conviction, or after the expiration of such punishment, he shall for each subsequent offence be fined in the further sum of twenty dollars and shall receive thirty-nine lashes upon his bare back. *Provided*, That nothing contained in this Ordinance shall apply to such persons of color as may be in this City temporarily as the servants or in the employment of any white person visiting the same.

Free negroes to register annually. SEC. 2. That any free person of color residing in this city shall on the first day of January in each year, or within ten days thereafter, present himself before the Clerk of the city, who shall register in a separate book to be kept by him for that purpose, the name, age, sex, description, occupation and place of residence of such person, and if he be the head of a family, the name, age, sex, &c., of each member of his said family, under the age of twenty-one years and shall give him a certificate thereof. And for such registration and certificate the Clerk shall receive from such person a fee of fifty cents; or, if it includes a family, one dollar. And any free person of color failing to comply with this provision shall be fined not less than two, nor more than ten dollars for each offense.

Free negroes removing to this city must register and give bond. SEC. 3. That any free person of color who shall hereafter remove to this city, shall within ten days thereafter present himself for registration, as provided for in the preceding section; and shall also enter into bond with good security, to be approved by the city Clerk, in the sum of one hundred dollars, payable to the Mayor and his successors in office and conditioned that he shall keep the peace and be of good behavior for one year, and to save the city from any charge for his support, which registration and bond shall be renewed annually so long as such person shall continue a resident of this city.—*Penalty.* The penalty for violating the provisions of this section shall be the same as that prescribed in the first section of this Ordinance. *Must show proof of freedom.* But the city Clerk shall not register any person of color claiming to be free, unless he establish his freedom satisfactorily either by record evidence, or by the testimony of credible witnesses.

Negroes not registered & without any known master to be deemed slaves. SEC. 4. That all persons of color found in this city who have no known master, agent or employer, and who are not registered as above required, shall be arrested by the city police, and if on examination before the Mayor they are unable to produce satisfactory evidence of their freedom, they shall be deemed slaves and committed as runaways.

Free negroes not to permit slaves on their premises. SEC. 5. That no free person of color shall permit any slave to visit or remain on his premises on Sunday, or between the hours of sunset and sunrise without the written permission of the owner or employer, of such slave under a penalty of not less than ten dollars for each offense.

Not to sell or give liquor, or bet with slaves. SEC. 6. That if any free person of color shall sell, barter, or give any ardent spirits, or any intoxicating drink to any slave, or shall bet or gamble with any slave, or shall play with any

slave at any game of cards or dice, he shall for the first offence be fined in the sum of twenty-five dollars and for each subsequent offence in the sum of fifty dollars.

SEC. 7. That no free negro shall go at large in this city after the ringing of the bell at night under a penalty of not less than one nor more than ten dollars, unless he have a written permission signed by the Mayor, or an Alderman, which permission shall not extend later than twelve o'clock.

Not to go
at large at
night.

SEC. 8. That each free person of color now residing in this city who is between the ages of eighteen and sixty years shall pay an annual poll tax of five dollars, and that every such person who is under the age of eighteen or over that of sixty years shall pay an annual tax of two dollars. And that each and every person of color who may hereafter remove to this city shall pay an annual poll tax of five dollars.

Poll tax.

SEC. 9. That if any free person of color be found in this city without any apparent lawful means of support, he shall upon conviction thereof, be required to give sufficient security, to be approved by the Mayor, for his good behavior, and that he will not become a charge on the city for the space of six months following, and if he shall fail or refuse to give such security, he shall be fined not less than five dollars. And if such person shall, after the lapse of twenty days after such fine, be guilty of a repetition of the said offence, he shall be deemed a vagrant, and fined not less than ten dollars. And if such person shall fail or refuse to pay either of the said fines he shall be compelled to work on the streets, &c., as heretofore provided. And this punishment shall be repeated as often as such person shall repeat the said offence, allowing an interval of twenty days to elapse between the expiration of each punishment and the succeeding offence.

Not to be
without vis-
ible means
of support.

Penalty.

SEC. 10. That it shall not be lawful for any free person of color to own, carry or have possession of any gun, pistol, bowie-knife, dirk-knife, or knife of a like kind, or any ammunition, under a penalty of not less than twenty-five dollars for each offence. And it shall be the especial duty of the City Constable and Police to arrest and bring before the Mayor, all persons who may be found violating the provisions of this section.

Not to
own or car-
ry any gun
or pistol.
Penalty.

Duty o
police.

GAMING.

No gam-
ing table to
be set up.

SEC. 1. Be it ordained, That if any person shall keep or exhibit in this city, any Gaming Table of any name or description whatsoever, (excepting tables or boards for chess or drafts) or any faro bank, or other bank for gaming, by whatever name it may be known or called, or shall allow the same to be set up, or exhibited on any premises, under his control, or shall be interested or concerned therein either directly or indirectly, or shall allow any gaming on any premises, or in any building occupied or controlled by him, he shall for each offence be fined fifty dollars.

Not to
fight chick-
ens or dogs,
nor to play
cards, &c.

SEC. 2. That if any person shall fight any chickens, dogs, or other fowls or animals, or cause them to be fought in this city, or shall bet or wager any money or other valuable thing on the result of such fight, or if any person shall play with cards, or dice, or at any faro bank or gaming table, by whatever name, letter, or figure the same may be known or called, or at any game of chance or skill, for money or any valuable thing, or shall bet or wager any money or valuable thing on the success or hands of any person who may play with cards or dice, or at any faro bank or gaming table, or on the result of any game, trick or device, he shall be fined twenty dollars for each and every offence.

No gam-
ing in any
public place

SEC. 3. That if any person shall play at any game of chance or skill in any house licensed to retail spirituous liquors, or in any hotel or public house, or any place of public resort, he shall be fined not less than twenty dollars for each offence, or if any keeper, owner, or occupant of any such house, hotel or other place, shall permit any such games therein, he shall be fined not less than twenty dollars for each offence.

Penalty
for betting
with minors

SEC. 4. That if any person shall bet or wager any money or other valuable thing with any minor under the age of twenty-one years, or shall permit any minor to be a party to, or interested in any bet or wager, or if any person shall play at any game of cards or dice with any minor in a public place, or shall permit any minor to play, or bet at any faro bank or other gaming table, he shall be fined fifty dollars for each offence.

GUNPOWDER.

SEC. 1. Be it ordained, That the building now in use as the "Powder Magazine," be and the same is hereby established as the Powder Magazine of this city. And it shall not be lawful for any person to erect any powder house or magazine, or any establishment for the manufacture of gunpowder in this city.

Powder magazine.

SEC. 2. That the city Constable shall be the keeper of the said Magazine. He shall give bond for the faithful discharge of his duties as such in the sum of one hundred dollars, and shall receive for his services such compensation as the Board of Aldermen may determine.

Keeper of magazine.

SEC. 3. It shall be the duty of the keeper of the Powder Magazine, to see that the Magazine is kept safe and in good order, and to protect it against all dangers from fire otherwise: To keep the key of the Magazine, and in no case to intrust it to any but a discreet white person: To receive all powder sought to be deposited in the Magazine and to issue a certificate therefor, showing the name of the depositor, the quantity deposited, and the name or mark upon each keg or package, and to deliver the same upon the order or application of the owner: To keep a book in which he shall enter every keg or package deposited in or taken from the Magazine, with the quantity thereof, the names of the owners, marks, &c., and to report the same quarterly, or oftener if required to the Board: To receive all fees due for receiving, storing and delivering powder, and to pay over the same to the city Clerk: And to keep a full and correct account of all the money received by him and report the same to the Board at their first regular meeting in each month: And for any neglect or failure to discharge any of the duties imposed upon him, he shall be fined not less than five dollars, and shall moreover be liable therefor upon his bond.

Duties of keeper.

SEC. 4. No merchant or other persons shall keep on hand, at any time, in any store, cellar, house or other place within this city, except in the said Magazine, more than twenty-five pounds of gunpowder, nor shall any person keep the same otherwise than in close and secure boxes or canisters—under a penalty of twenty dollars for each offence, and a like penalty for each day the said powder is suffered so to remain.

Quantity of powder may be kept.

SEC. 5. That any keg or package of Powder deposited in the Magazine shall be designated by some legible mark or brand, to be put on by the owner, and all Powder so deposited shall be at the risk of the owner.

Powder to be marked.

SEC. 6. On all Powder deposited in the Magazine, there shall be paid the following fees, viz:
For each keg of twenty-five pounds 20 cts.
For each half keg, twelve and a half pounds 15 cts.
For any smaller package 10 cts.

Fees and charges.

And also a fee to the keeper of the Magazine of twenty-five cents for any deposit of a single package, and fifty cents for a deposit of two or more packages, made at the same time.

**Trans-
porting
powder.** SEC. 7. No vehicle, employed to transport Powder in this city, shall carry more than five kegs at one load, and such vehicle shall be so arranged as effectually to cover up the kegs or packages, and to guard and protect the same from public view and from accidental fire.

**Not to re-
ceive pow-
der clandest-
inely.** SEC. 8. No person shall send to, or deliver, or receive in this city, any powder concealed in any box or barrel, or in any other manner, purporting to be any other article under penalty of confiscation of such powder, in addition to the fines hereinafter imposed for violations of this Ordinance.

Penalty. SEC. 9. Any person violating any of the provisions of this Ordinance, when the punishment is not otherwise specially fixed, shall be fined not less than five dollars for each offence.

HAWKERS AND PEDDLERS.

AN ORDINANCE

Respecting Hawkers and Peddlers.

**shall ob-
tain license** SEC. 1. Be it ordained, That it shall not be lawful for any Hawker or Peddler to sell or offer for sale within the city any goods, wares or merchandise, or small commodities of any description whatever, unless he shall have previously obtained from the city Clerk a license for that purpose, for which license he shall pay the sum of ten dollars, besides one dollar to the city Clerk for issuing the same, for the privilege of selling for six months, and if any Hawker or Peddler shall violate the foregoing provisions of this Ordinance, he so offending shall forfeit and pay the sum of twenty dollars for each and every offence, Provided, that nothing manufactured or made up in the State of Alabama shall be subject to taxation or require a license for the sale thereof.

Penalty.

**Articles ex-
empt from
taxation.**

**Depositing
goods.** SEC. 2. That any person Hawking or Peddling within the city without license shall be subject to the fine in the foregoing section, notwithstanding said Hawker or Peddler may have made a deposit of his wares or articles with a Commission Merchant or Auctioneer or other person.

HOGS.

An Ordinance respecting Hogs, &c.

Sec. 1. Be it ordained, That a tax of one-dollar per head shall be levied and collected annually as other taxes from the owner of any and every Hog over six months old found at large in the city limits; and a tax of one dollar for every litter of pigs. Tax on hogs.

Sec. 2. That if the master, owner, or employer of any slave shall knowingly permit such slave to keep or own any Hog within the city limits, which may be found running at large, he shall forfeit and pay the sum of two dollars, and for each and every day, that the Hog is so kept by the said slave, thereafter, such master, owner, or employer shall pay the sum of one dollar. Penalty for slave keeping hogs.

HORSES.

An Ordinance respecting Horses.

Sec. 1. Be it ordained, That if any person shall gallop or run a horse or any other animal used for the saddle or gear within the city limits, except in case of urgency to be judged by the Mayor, or shall permit any horses, mares, geldings, or mules which may be sent or taken to water in or through the City, to run at large, or to pass in or through the city otherwise than in confinement, he shall forfeit and pay for every such offence a sum not exceeding one dollar; if a slave, he shall receive ten lashes on his bare back, well laid on by the Constable, unless the master of such slave shall pay the fine above specified, when such corporeal punishment shall be remitted. Not gallop or run horse in city. Not to run at large in city. Penalty.

Sec. 2. That it shall be unlawful for any person to break horses, or to exercise in harness any wild or unruly Horse or other animal or to drive the same so fast in any vehicle as to become dangerous or to exhibit or aid in exhibiting, on the Public Square or any of the streets of the city, any Stallion or Jack, and any person violating this section of the Ordinance, on conviction thereof shall forfeit and pay for each and every offence, a fine of not less than five, nor more than ten dollars. Not to break or exercise horses. Not to exhibit Jacks or Stallions on public square or streets. Penalty.

HOSPITALS.

An Ordinance concerning Hospitals.

SEC. 1. Be it ordained, That it shall not be lawful for any person to establish, or have in use or operation in this city, any hospital or infirmary for the cure of diseases, unless he shall first obtain the written consent of two-thirds of the citizens living on the square on which such hospital or infirmary is proposed to be established and a majority of the citizens living on the squares immediately adjoining it; and also the consent of the Mayor and Board of Aldermen; and furthermore unless the said hospital or infirmary shall be kept and carried on under the management and control of some competent white person, who shall reside on the premises, under a penalty of fifty dollars, and a fine of twenty dollars for each day that such hospital or infirmary is so continued or kept.

SEC. 2. That the Mayor, or any Alderman, or a committee appointed by them, shall have free access at any and all times to any hospital or infirmary that may be established, or kept in this city.

HUCKSTERS.

An Ordinance respecting Hucksters.

SEC. 1. Be it ordained, That whenever any person may desire to set up or open any house or shop for the purpose of selling any fruits, ice-cream, soda from fountains, cider, beer, candies, cakes or other articles of confectionary, said person shall first apply for and obtain from the city Clerk a license therefor.

SEC. 2. The party applying for and obtaining said license shall pay to the city Clerk the sum of ten dollars for each of the above named kinds of business carried on at the time of applying for such license; provided, that where two or more of said kinds of business are carried on in one establishment, Ten dollars shall be paid for one, and two dollars and fifty cents for each additional one, and the license shall run and continue for the space of one year and shall not be granted

for any shorter period. The said license may be transferred, May be transferred.
 if said transfer shall be made in the presence of and attested
 by the city Clerk.

SEC. 3. All soda founts, ice-cream saloons, confectionaries, All Soda founts closed on Sabbath.
 fruit stores, &c., shall be closed on the Sabbath, as other bu- Penal §.
 siness houses, under a penalty of twenty-five dollars; and the
 selling of any article shall be construed as an opening, within
 the meaning of this section of the Ordinance.

SEC. 4. Any person who shall set up or begin to do one or Penalty.
 more of the branches of business or occupations required by
 this Ordinance to be licensed, without having first obtained Without li-
 license therefor, shall on conviction be fined ten dollars for Penalty.
 every day he may carry on such business without license as
 herein required.

SEC. 5. The keeper or proprietor of any such shop or house Penalty for
 as above named and described shall not permit free negroes allowing
 or slaves to congregate in or about his premises under a pen- free negroes
 alty of twenty-five dollars. or slaves to congregate.

LIVERY STABLES.

An Ordinance respecting Livery Stables.

SEC. 1. Be it ordained, That no person shall open or keep Not to be
 any Livery Stable, or any Stable for hiring or boarding hor- kept with-
 ses, mules, vehicles, &c., in this city, without first obtaining out license.
 a license therefor from the city Clerk, under a penalty of fifty
 dollars. Said license shall be for one year, and the tax there-
 for shall be ten dollars.

SEC. 2. That any person taking out a license for a Livery Tax on ve-
 Stable, shall pay an additional tax upon every vehicle kept hicles.
 by him for hire, as prescribed in the Ordinance concerning
 Drays, &c., which vehicle shall be numbered, and the num-
 ber included in said license.

SEC. 3. That it shall be the duty of every Livery Stable Bill of pri-
 keeper, to keep constantly posted up in some conspicuous ces.
 place at his Stable a bill of prices, and for every overcharge Penalty for
 of published rates, he shall be subject to a fine of not less than over charge
 five dollars.

MARKETS AND THE MARKET HOUSE.

AN ORDINANCE

Regulating Markets and the Market House.

City Con-
stable to act
as Market
Master. SEC. 1. Be it ordained, That the Public Market House shall be under the control of the city Constable (or of one or more of the city Police appointed by him) who shall discharge the duties of Market Master.

Duties of
Market Ma-
ster. SEC. 2. That it shall be the duty of the Market Master, to ring the Market House bell at the opening and close of Market House: To remain in or about the Market House during that time: To preserve peace and good order therein, to enforce all the rules and regulations relating thereto, and, when necessary, to arrest and bring before the Mayor, all persons who may violate the same: To make all needful rules and regulations concerning the location and arrangement of all stands or stalls for the sale of meats, fruits or vegetables, and of all wagons or carts, within or around the market house: To examine all articles exposed for sale in the market house and to seize and destroy all such as are unsound or unwholesome: To decide all disputes between buyer and seller touching the weight or measure of any article, and to arrest any person who may be found using false weights or measures: To keep the market house and the walks and streets surrounding it free from all obstructions: To see that every part of the market house and the premises adjoining it, be kept clean and free from filth of any kind, and to cause all tables, stands, stalls, &c., to be thoroughly washed and cleansed daily, immediately after market hour: To prevent slaves and disorderly persons from loitering about the market house: To rent out the stalls, stands, &c., in the market house, and to receive the rents therefor, and all taxes, or charges, or fines which may be due for the use of any of the privileges of the market or for the violation of any of its rules or regulations, and to pay over the same to the city Clerk monthly and make a report thereof in writing to the Board at their first regular meeting in each month.

Stalls, &c.,
when ren-
ted. SEC. 3. That the market Master shall annually on the first day of January, offer the stalls, benches, &c., in the market house for rent for the ensuing year; and if any are not then disposed of he may, at any subsequent time, rent them for any period not less than three months, provided, that the lease shall in no case extend beyond the 31st day of December following.

SEC. 4. That the rent for each stall (which shall in all cases be secured by bond with good security payable at the ex-

piration of the lease) shall for one year be not less than thirty dollars, for nine months not less than twenty-five dollars, for six months not less than eighteen dollars, and for three months not less than twelve dollars: The tables, stands, &c., may be rented for any length of time at a price to be fixed annually by the Board. In any case when two or more persons desire to rent the same stall or table, the market master shall put it up at public auction and rent it to the highest bidder; but in no case shall any person having one stall or stand, be allowed to rent another, when any person not having one desires to obtain it.

Rent of Stalls, &c.

When put up at auction.

Sec. 5. That no person or firm, renting a stall or table in the market house, shall rent the same for any time or permit any other person to occupy it jointly with him, or to sell any marketable commodity from or in it. But any person may sell the residue of the term for which a stall or table was rented, by notifying the market master of such sale and obtaining his approval thereto; and no sale or transfer of any lease shall convey any rights or privileges without such notice and approval.

Tenant not to re-let stall nor permit others to use or occupy.

How he may sell or transfer.

Sec. 6. That every day in the year, Sunday's excepted, shall be a market day. From the first of April to the first of October, market hours shall continue from daylight until eight o'clock A. M., and between the first of October and the first of April, from daylight to nine o'clock, A. M., and their opening and closing shall be announced by the ringing of the market house bell.

Market days and hours.

Sec. 7. That no person shall sell any fresh meats, fruits, vegetables, or other articles of provision in this city, before market hours, nor during the same except at the market house. And no person, not a stall renter, shall offer any kind of butchers meat for sale during market hours in less quantities than one quarter.

No meats, &c., to be sold during market hours except at the Market House.

Sec. 8. That no person shall, during market hours, buy or contract for any article offered for sale in the market for the purpose of re-selling or making a profit thereon either in the market house or elsewhere. Nor shall any person or persons endeavor or combine to prevent any article from being sold at fair and customary rates, nor shall any person buy, or contract for any article in such quantities as to prevent others applying at the same time from obtaining a fair proportion thereof, which proportion shall be determined by the market master.

No person to buy in the market to re-sell, nor combine to affect price nor prevent others from obtaining a share of any article.

Sec. 9. That no vehicle, except market carts and wagons, shall be allowed to stand about the market house during market hours, so as to obstruct a free passage; nor shall any person lead, ride or drive any animal into the market house nor on the pavement thereof, nor slaughter or dress any animal, or fowl therein, nor bring or exhibit any hides, nor deposit or leave any filth or offensive matter in or about the same: Nor shall any person bring into the market house during market

No vehicle to stand about market house. No person to bring animal into market house nor to slaughter any animal.

or leave a hours any dog, or other filthy or dangerous animal; and if
 ny fil: b any such are brought or allowed to come in, the market mas-
 there. ter may remove or kill them at his discretion.

SEC. 10. That no person shall sell, or offer for sale in this
 city any living animal or fowl usually eaten for food, know-
 ing or having reason to believe that the same is diseased, or
 in any way unwholesome: Nor the flesh of any animal or
 fowl which was diseased when butchered or killed, or which
 died a natural death, or from disease, or was killed by any ac-
 cident, or in any other manner than the usual mode of killing
 such animals or fowls for food: Nor any unsound, blown,
 stale, or unwholesome flesh of any kind, fish, eggs, poultry,
 vegetables or other article of food, nor the flesh of any ani-
 mal not commonly deemed wholesome edible food, under a
 penalty of not less than five dollars for each offence. And,
 if any person renting a stall in the market house violate any
 of the provisions of this section he shall, in addition, forfeit the
 lease of his stall. And it shall be the duty of the market
 master and of the city police, to seize and destroy all unsound
 articles of provision offered for sale in this city.

SEC. 11. That every person occupying a stall or stand in the
 market shall sell meat, vegetables and other articles in any
 quantity by retail, that may be desired, provided, that no
 person shall be required to sustain an evident loss by such
 sale, of which the market master shall determine.

SEC. 12. That no person shall keep or hang any meat in the
 market house at any other place than at his stall or stand:
 Nor shall any meat or other article capable of defacing or
 staining the same, be allowed to hang against the walls or to
 drip upon the floor of the market house. And no meat of
 any description shall be permitted to remain in the market
 house after market hours, from the first day of June to the
 first day of October.

SEC. 13. That every person occupying any stall, stand, or
 table in or near the market house, shall keep the same clean
 and in good order, and shall daily, at the close of the market
 house, thoroughly wash and scrape the same. And if any
 person shall fail in so doing, he shall be fined not less than
 one dollar, and the market master shall cause such stall, stand,
 &c., to be cleaned at his expense.

SEC. 14. That any person who shall violate any of the pro-
 visions of this Ordinance, shall, if a free person, be fined not
 less than five dollars, or if a slave receive not less than ten
 lashes on his bare back, for each offence.

SEC. 15. That a printed copy of this Ordinance shall be
 posted up in each stall of the market house.

No diseas-
 ed animal or
 fowl, nor a-
 ny unsound
 meat, eggs,
 vegetables,
 &c., to be
 offered for
 sale.

Renters of
 stalls, &c.,
 to retail in
 any quanti-
 ties.

Not to stain
 walls or
 floor of mar-
 ket house.

Lessee to
 keep stall,
 &c., clean,
 to wash and
 scour daily.

Duty of
 market mas-
 ter.

Penalty for
 violating
 this ordi-
 nance.

Copies Or-
 dinance to
 be posted up.

MAYOR.

AN ORDINANCE

Regulating the Duties of the Mayor.

SEC. 1. Be it ordained, That the Mayor shall possess with-
 in the corporate limits of the city, all the powers and jurisdic-
 tion of a Justice of the Peace under the laws of the State of
 Alabama, in civil and criminal cases, and be subject to all the
 corresponding duties and responsibilities, and for his services
 in such cases shall be entitled to the fees allowed by law to a
 Justice of the Peace, and then his signature or act as Mayor
 shall be of equal force as if done by him expressly as a Jus-
 tice: He shall moreover have exclusive original jurisdiction
 to hear, adjudge and determine all prosecutions, controver-
 sies, or matters growing out of the orders, regulations and or-
 dinances of the Board of Mayor and Aldermen, such as the
 forfeitures and penalties inflicted, and the summary remedies
 to be given against the officers of the corporation; provided,
 the sum in question does not exceed fifty dollars. And from
 his decision or judgment in any case of either branch of his
 jurisdiction, the party desiring it may have an appeal, or cer-
 tiorari, in order to have a new trial in the Circuit Court of
 Madison County, under the rules and regulations prescribed
 by the laws of this State for an appeal, or certiorari, from the
 judgment of a Justice of the Peace.

Power and
duties.As Justice
of the Pea-
ce.

As Mayor.

Exclusive
jurisdictionAppeal
from his de-
cision.

SEC. 2. That the Mayor be authorised to issue all warrants,
 writs, executions, subpoenas, and other process in use in this
 State, or provided for by the laws and ordinances of this
 city, whether original, mesne, or final so far as may be neces-
 sary to enable him to discharge the duties of his office, and to
 carry into effect the laws and ordinances of this city.

May issue
all necessa-
ry process.

SEC. 3. That it shall be the duty of the Mayor to issue the
 necessary and proper process on the demand of any city offi-
 cer, or whenever complaint shall be made to him, under
 oath, that any law of the State, or any Ordinance of the city
 has been, or is about to be violated. He shall try and deter-
 mine all cases which may be brought before him without un-
 necessary delay, and shall upon conviction of all offenders
 against the laws and ordinances of the city, impose the fines
 and penalties affixed to the offences respectively, and commit
 such offenders to custody until such fines, and the costs of the
 case, shall be paid.

Shall issue
process on
demand of
officer or on
complaint

SEC. 4. In all cases in which the amount of the fine or pen-
 alty for the violation, or failure to comply with the provis-
 ions of any Ordinance, are not fixed, the fine or penalty im-
 posed shall be in the discretion of the Mayor, provided, that
 such fine shall not exceed fifty dollars, or if the offender be a

May fix
fine or pen-
alty when
not fixed by
ordinance.

slave the penalty shall not exceed thirty-nine lashes.—
But in all cases in which the penalty, fine, or forfeiture is
fixed or limited by Ordinance, he shall be strictly governed
thereby.

**Genera' du-
ties.** SEC. 6. That it shall be the duty of the Mayor to preside
at all meetings of the Board of Aldermen, and to enforce such

**May call
meeting of
Board.** rules and regulations as they may adopt for their government.
He may at any time call a special meeting of the Board,
whenever in his opinion the public business may require it,

**Sign ex-
approve
contracts.** whenever he shall be requested to do so by any two of the
Aldermen: He shall act as a member of all committees of
the Board: He shall sign and approve all contracts made by

**Make state-
ments and
communi-
cations.** the Board and supervise their execution, and he shall make
all contracts not otherwise provided for: He shall exhibit to
the Board, when required, a statement of the assets, liabili-
ties and pecuniary condition of the city: He shall from time
to time make a communication in writing to the Board, show-
ing the wants and necessities of the city, and recommending
such action, and the adoption of such measures as the welfare

**Supervise
officers may
suspend or
dismiss, &c,
and appoint
officers** of the city may demand: He may at any time increase or re-
duce the police force of the city, reporting such action to the
Board for its sanction: He shall supervise all the officers of
the city, and shall see that all the laws and ordinances are
enforced: He shall suspend all delinquent officers or agents

of the city government, reporting such action to the Board
for its approval or disapproval. And in case of the removal
or suspension of any officer or agent of the city, he may ap-
point a substitute until the Board shall act in the premises.

**May in-
spect books
and records
of city offi-
cers.** SEC. 7. That the Mayor shall have power to inspect such of
the books, papers and records of the public officers of the city,
as may in his opinion be necessary to enable him to discharge
the duties imposed upon him, and may require all officers of
the city to furnish him, in writing, with any information con-
nected with their respective offices.

**To inspect
all city wo-
rk.** SEC. 8. That the Mayor shall have full power, and it is
made expressly his duty, to inspect all the work that may be
going on, from time to time, at the expense of the city, wheth-
er of paving, building, sinking or cleaning drains, opening
and widening streets, or of any other nature whatsoever, and
to examine into its progress and the economy with which it
is being done.

**May give
orders to
other offi-
cers.** SEC. 9. The Mayor shall have power and authority to give
such order and directions to all other executive officers in the
service of the city, as may be necessary to carry the laws, or-
dinances and regulations of the city fully into effect, and for
that purpose he may require them to attend him by night as
well as by day, whenever the exigencies of the public busi-
ness may, in his opinion, render such attendance necessary.

SEC. 10. That it is the special duty of the Mayor to take
all proper, and necessary measures for the suppression of riots

and insurrections, and the preservation of public order, and for this purpose he is authorised to require all the city officers and, if necessary, to call upon the citizens to aid and assist him; and he is also authorized to use the military companies of the city, and such portions of the militia as may, on his requisition, be furnished by the proper officer, in promptly and effectually putting down insurrections and suppressing riots which may be excited in violation of the peace and good order of the community, and in defiance of the laws.

Shall suppress riots, &c.

May call out militia.

SEC. 11. In case of the sickness or temporary absence of the Mayor, the Board of Aldermen shall appoint one of their number to act as Mayor, pro tempore, who shall, for the time being, exercise the powers and duties vested in the Mayor; and the Mayor shall not vacate his office by reason of any temporary absence from the State.

Mayor pro tem.

MISDEMEANORS.

An Ordinance respecting Misdemeanors.

SEC. 1. Be it ordained, That any person who shall do, or cause to be done, within the limits of this city, any unlawful or wrongful act against the person or property of another, or any act contrary to public morals not being of the grade of a felony under the laws of the State of Alabama, or any act which is held by the said laws to be a misdemeanor, or who shall violate or fail to comply with any Ordinance of this city, shall be deemed guilty of a misdemeanor, unless it be otherwise specially in the Ordinances of the city.

What constitutes a misdemeanor.

SEC. 2. That any person shall be deemed guilty of a misdemeanor, who shall do or cause to be done any of the following acts, viz: 1. Willfully and maliciously injuring or defacing any walls, fences, houses, trees, shrubbery, furniture, wells, cisterns, or any other description of property, whether public or private in this city, or any reservoir, machinery, pipes, hydrants, lamps, metres or other fixtures belonging to or connected with the city water-works or gas works. 2. Disturbing or alarming others by rude, boisterous, offensive, obscene or blasphemous language or conduct. 3. Making or causing a false alarm of fire. 4. Being on the streets or pavements in a state of drunkenness, so as to interfere with the rights, comforts or business of others. 5. Exposing the person in an indecent manner, or doing any obscene or indecent act in any street or alley, or in any other place in the view or to the annoyance of others, or in or about the public Spring, or do-

Acts of a misdemeanor.

ing any rude or obscene act, or using any rude, profane or obscene language in any public place, or in the view or hearing of any female. 6. Bathing in the Spring branch, within less than three hundred yards below the dam, between the hours of four o'clock A. M., and ten o'clock P. M. 7. Bathing in the public Spring, between its head and the dam, or doing any act calculated to pollute the water therein. 8. Selling or offering to sell, or exposing to view any lewd figures, prints, pictures, books, or papers, or any which may excite scandal, or have a tendency to disturb the peace. 9. Playing on Sunday at Billiards, Ten Pins, Cards, or any other game of chance or skill. 10. Keeping a game house or bawdy house, or any other disorderly house, or suffering the same to be kept on one's premises or property. 11. Riding or driving on the paved gutters or sidewalks of the city, or with unusual or dangerous speed in the streets. 12. Leaving teams, or horses, mules or oxen attached to any vehicle standing unhitched in the streets and without some person in charge of them. 13. Allowing any dangerous or vicious animal to go at large in the city, or driving such animal through the streets. 14. Hitching any animal to any shade tree, or the box of any shade tree, or to any lamp or awning post, or to any fence or railing, excepting the iron fence about the court house square. 15. Flying kites, throwing fire-balls or fire crackers, or doing any act, or making any noise likely to alarm or injure the people, or disturb the quiet of the city, or impede the free and safe passage of vehicles and footmen along the streets, except by the express permission of the Mayor. 16. Making any excavations in any of the streets, alleys, side-walks, or public grounds of this city, or removing any earth, stone, gravel or brick therefrom, unless by the order or permission of the Mayor, or the Executive Committee. 17. Leaving any cellar door or grating open so as to endanger the safety of persons passing. 18. Hanging signs, or erecting awnings, or causing or allowing anything to hang, or be over the sidewalks or pavements of this city at less than nine feet above them. 19. Permitting wells, cisterns, cellars, or other excavations to remain open and uncovered to the danger of others. 20. Resisting an officer of the city in the discharge of his duty. 21. Falsely assuming or representing one's self to be an officer of the State or city, or attempting to exercise any of the authority of such officer. 22. Permitting an unlawful assemblage of slaves or free negroes. 23. Creating or aiding in any riot or disturbance in any part of the city. 24. Playing the Mexican ball game or any other game or trick by which persons may be defrauded. 25. Carrying any concealed weapon. 26. Throwing any article from the roof or upper story of any house upon the street or side-walk.

1845
 Sec. 3.
 1846

Sec. 3. That any person who shall be guilty of fighting, quarreling, or any riotous, indecent or disorderly conduct, or of abusing, insulting or disturbing, either by word or action,

any person in this city, shall be considered as guilty of a misdemeanor and punished accordingly.

SEC. 4. That any assault, or "assault and battery" shall be deemed a misdemeanor and punished accordingly; and that whenever it cannot be ascertained which of the parties to a fight, or an "assault and battery" is the assailant, all persons concerned, or participating in such fight, shall be considered guilty of an affray and punished accordingly.

SEC. 5. That any person who shall be guilty of violating any provision of this Ordinance, or of committing any act which has been or may hereafter be declared to be a misdemeanor, by the Ordinances of this city, shall be fined not less than five dollars, or if a slave, shall receive not less than ten lashes upon his bare back, for each and every offence.

SEC. 6. That nothing contained in this Ordinance shall apply to, or affect the construction of any Ordinance defining any misdemeanor by which a special penalty either greater or less than that above named, shall be affixed to such misdemeanor.

NUISANCES.

An Ordinance respecting Nuisances.

SEC. 1. Be it ordained, That if any person shall create, cause or permit within this city, any nuisance on his own, or on other premises, or on the streets, alleys or public grounds of the city, or shall do any act, or create or permit the existence of anything calculated to endanger the safety of the city, or the lives, health or comfort of any of the citizens, he shall for such offence, forfeit and pay a fine of not less than five, nor more than fifty dollars.

SEC. 2. That if any person shall place, or cause to be placed in or upon any of the streets, alleys, sidewalks or public grounds of the city any fence, lumber, fire-wood, boxes, cotton, coal or any other obstruction, whatsoever, and shall suffer the same to remain longer than one day, or shall cut or hew any wood or timber on any sidewalk of the city, or shall ride any horse or mule, or drive any wagon, cart, or other vehicle thereon except in crossing, or shall erect any steps or cellar door so as to extend more than one-half the distance across any sidewalk or pavement, or shall permit the same to remain open, except when in actual use or for the purpose of ventilation in the day time, or shall have it so insecure as to

Proviso
excepting
lumber, &c.,
for building

render the walking thereupon or over the same unsafe or dangerous, shall be fined not less than two dollars for each offence, and in the further sum of two dollars for each day such nuisance shall be allowed to remain after such fine or after such notice to remove it be given by the city Constable or Police; provided, that nothing in this Ordinance shall extend to any lumber or building materials, intended for buildings being erected on said streets or grounds, but in such case, it shall be the duty of the owner of such building materials to keep a light burning near such materials from dark until nine o'clock on every night so long as they shall remain—under a penalty of two dollars for each and every omission, unless when the moon is shining during those hours.

In such case
to have a
light at ni-
ght.

Sec. 3. That if any person shall bring into this city, or keep within it longer than twelve hours any damaged provisions, or any other damaged or infected article, calculated to endanger the health of the city, or shall permit any dead animal or carrion, or any filth, putrid or putrescent matter to be upon his own premises, or shall leave or deposit the same at any place in the city, for more than twelve hours, or shall permit any decaying matter, or other nuisance to remain in the street fronting his residence for longer than twelve hours, without informing the city Constable, or some one of the Police, shall be fined two dollars for each offence, and a like sum for each and every twelve hours such nuisance is suffered to remain.

Damaged
and infected
articles not
to be bro't
into the ci-
ty.

Filth, &c.,
removed.

Notice of
nuisance to
be given to
Police.

Sec. 4. That no slaughter house or pen shall be erected or carried on within this city. And that no person shall excavate or dig the earth from any lot and allow water to remain and stagnate therein, under a penalty of five dollars, and the like sum for each day the same shall remain.

Slaughter
houses in
this city.
Penalty for
allowing
water to
stagnate.

Sec. 5. That if any person shall erect or continue within the city any stable, privy, or other building, which shall be deemed and declared a nuisance according to the provisions of this Ordinance, he shall be fined not less than five dollars, and a like sum for each day the said building shall remain after it has been declared a nuisance.

Penalty for
erecting or
continuing
any build-
ing declar'd
a nuisance.

Sec. 6. That if any person shall allow the water to run from any hydrant, well, cistern or drain upon his premises so as to injure any of the streets or sidewalks, or so as to cause any obstruction to persons passing thereon, he shall be fined, not less than two dollars for each offence.

Not to allow
water to in-
jure streets,
&c.

Sec. 7. That in all cases, the person whose duty it is to remove any nuisance, shall be fined as for a separate and distinct offence for each day that such nuisance is allowed to remain after it has become his duty, either by notice or, otherwise, to remove or abate it.

Penalty for
allowing
nuisance to
remain.

Expense of
abating nu-
isance on
the proper-

Sec. 8. That when a nuisance shall exist on any property, the owner of which is not known, or on the property of a non-resident having no agent or tenant on whom notice may

be served, it shall be the duty of the city Constable, to have such nuisance abated, the reasonable expense of which shall be a charge on the property, to be recovered as any other fine or forfeiture.

Duty of a non-resident, how paid.

SEC. 9. That if any person whose duty it is to remove or abate any nuisance shall allow the same to remain, it shall be the duty of the city Constable and Police to remove the same, at the cost of the party delinquent. And it shall also be the duty of the city Constable and Police to remove all nuisances from the streets, alleys, and public grounds of the city, at the cost of the city, when the person creating the same is unknown. And to report all persons who may create or allow any nuisance, to the Mayor.

Duty of Constable & Police.

SEC. 10. That in all cases where any house or excavation is declared a nuisance, the Mayor may in his discretion, allow a reasonable time for removing or filling up the same.— But if any nuisance is of such a character as to require immediate removal or abatement, it shall be the duty of the Mayor or of any three of the Aldermen to order the city Constable to remove or abate the same without delay.

Duty of Mayor.

SEC. 11. That it shall be the duty of the Mayor, whenever in his opinion, or in the opinion of the Board of Aldermen, it may be necessary to try the question of nuisance, or to remove or abate a nuisance, to order the city Constable to summon a jury of seven house-holders, of lawful age, within said corporate limits, to appear before said Mayor, at a time and place appointed by him, to hear the evidence that may be offered, or if necessary, to inspect personally with the said Mayor, the premises charged to be a nuisance; and it shall be the duty of the city Constable to give one day's notice of the said trial or inspection, to the owner of said premises, or in his absence, to his agent, if there be one, or if none, then to the person occupying and controlling the same. And the city Constable shall summon any witnesses on behalf of the corporation, as well as on behalf of the owner, agent or occupier of said premises; and the Clerk shall issue subpoenas upon the application of either party; and if the said jury shall by their verdict declare the premises to be a nuisance the said Mayor shall then upon fine the said offender in a sum not exceeding fifty dollars, and forthwith order the city Constable to remove the same, and to summon any number of persons that he may deem necessary to aid him in removing it; provided, however, that the provisions of this section shall not apply to nuisances of such a character as to require immediate abatement.

Jury summoned.

How composed.

Witnesses.

Verdict.

Fine.

Duty of Constable.

Costs, how paid.

SEC. 12. That on the application of the owner of the premises, where the nuisance is charged to exist, a jury shall be summoned to try the issue, upon his giving security for the costs: and if the jury declare it to be a nuisance, then he shall be taxed with the costs of the contest.

Pay of Jurors.

SEC. 13. That each juror who shall serve under this Ordinance shall receive one dollar for such service.

OFFICERS OF THE CITY.

AN ORDINANCE

Concerning the Officers of the City.

Election. SEC. 1. Be it ordained, That the Board of Mayor and Aldermen shall, annually, at their first regular meeting after their organization, proceed to elect the following officers for the city, viz: A Clerk, a Treasurer, a Constable, a Superintendent of Streets, a city Weigher, and two Policemen for day and night respectively. At their first regular meeting in April, they shall elect an Assessor, and at their first regular meeting in June a Collector of Taxes. Said officers shall continue in office during the corporate year, in which they are elected, or until their successors are elected and qualified, unless sooner removed as hereinafter provided.

What officers shall take oath & give bond. SEC. 2. That, before entering upon the duties of their respective offices, the said Clerk, Assessor, Collector, Treasurer and Constable shall each take an oath, before the Judge or Clerk of the Probate Court of Madison County, well, truly, and faithfully to perform the duties of his office, of which oath a record shall be kept in the office of the said Court. And the said Collector, Constable and Treasurer shall each, before the Clerk of the said Court, enter into bond with security, to be approved by him, payable to the Mayor of the city, and his successors in office, with condition to discharge all the duties of his office truly and faithfully, on which bond, suit and recovery may be had in any court having jurisdiction thereof, in the name of the Mayor, or his successor, for the use of the corporation, or the person injured, and said bond shall remain for the breaches of its conditions. And the said Clerk shall enter into a bond, with like conditions, before the Mayor of the city, to be approved by him. The penalty of the bond of the Collector and Constable, shall be two thousand dollars—of the Treasurer ten thousand dollars—of the city Clerk three thousand dollars, and of all other officers in such sums as the Board may fix. And no officer of the city shall be taken on any such bond as security for any other officer.

Penalty of Bond. SEC. 3. That every officer of the city shall, at all times, **Official** when requested, submit his official books and papers to the

inspection of the Mayor, or any Alderman, or to any person or committee appointed by the Board to examine the same. books examined.

SEC. 4. That every officer shall take care of, and preserve all books, papers, accounts, tools, instruments and everything appertaining to his office or belonging to the city, that may come into his possession, and on going out of office, shall deliver the same to his successor, or to the Mayor, and take his receipt therefor. Books preserve and deliver to successor.

SEC. 5. That every officer not otherwise specially required, shall render a report in writing to the Board at their first meeting in each month, of all his official transactions, showing the amounts received and paid in, &c. To make reports.

SEC. 6. That no officer of the city shall purchase, or sell any city scrip or warrants, or any demands or claims against the city; and no officer shall loan out, or use on his own account under any pretext, any money belonging to the city in his hands, or, on any pretext, pledge or loan any of the property, notes, bonds, or other securities of the city, except as ordered by the Board of Aldermen; nor shall any officer of the city, by himself or others, buy any property sold by the city Tax Collector, or by any other person on account of taxes due the city, nor shall any officer receive any fee, reward, or emolument of any description whatever, for the discharge of any of the duties of his office, other than those which may be allowed him by the Ordinances of the city; and upon conviction of having committed any one of these offences, he shall be removed from office. Not to trade in city scrip funds, &c. No buy property sold for taxes. Nor receive rewards. Penalty.

SEC. 7. That any officer, who shall wilfully fail or refuse to perform the duties of his office, or who shall in his official acts, be guilty of any fraud, extortion, oppression, favoritism or injustice, or of drunkenness or any other improper conduct, shall be removed from office; and such removal shall be by a vote of two-thirds of the Aldermen present at a meeting of the Board. Now removed from office.

ORDINANCES.

An Ordinance respecting Ordinances.

SEC. 1. Be it ordained, That all laws, ordinances, by-laws, resolutions, and other public acts, relating to the general weal, officially made, enacted, ordained, or passed by the Mayor and Aldermen of the city of Huntsville, shall be published in some newspaper printed in the said city, as soon as practicable after their passage or enactment, and for such a Ordinances, &c., to be published. Not in force until published.

time as the Board of Aldermen, or the Mayor may direct.—
And that unless otherwise expressly provided, no Ordinance,
nor repeal of any Ordinance, shall be of force until after its
publication.

Fines, &c. Sec. 2. That all fines, penalties forfeitures and recoveries
for violations of any law or Ordinance of this city, shall be
tried and determined before the Mayor, and shall be for the
use and benefit of the city, unless otherwise expressly provi-
ded.

**Contempts,
how punish-
ed.** Sec. 3. That when the Board of Mayor and Aldermen are
in session, or when the Mayor is holding court, if any con-
tempt shall be committed by any person in the presence of
the Board or court, or about or in the immediate vicinity of
the place in which such meeting or court is held, such person
shall be fined not less than five dollars, or imprisoned for six
hours in the city Calaboose, or both at the discretion of the
Mayor.

**Contempts to
labor on Sts
when fines
are not paid** Sec. 4. That in all cases where any fine or forfeiture shall
be imposed on any person for a violation of the laws and Or-
dinances of this city, such person shall pay all the costs of the
case, and if any person fail or refuse to pay such fine or costs,
he shall be compelled to work out the amount of such fine
and costs, at hard labor on the public streets, or elsewhere in
the city, under the direction and control of the Superintendent
of the streets, provided, that no person shall be compelled
to labor longer than four calendar months for any single
offence.

**Fines not to
exceed four
months.** Sec. 5. That each person, so compelled to labor, shall be
allowed one dollar per day for each day's labor actually per-
formed, which shall be credited upon the amount due from
him, and shall be charged fifty cents per day for board and
lodging. They shall be lodged in the city Calaboose, at night
and on the Sabbath and whenever not employed as aforesaid.

**Compensa-
tion \$1 per
day, charge
for board,
lodged in
the cala-
boose.** Sec. 6. That any person, so compelled to labor, who shall
escape, or attempt to escape from the Superintendent of the
streets while under his control, shall be fined not less than
ten dollars.

**Attempts to
escape fin-
ed.** Sec. 7. That in all cases where fines, penalties, or forfeit-
ures are imposed, they shall be for and extend and apply to
each and every act or omission and for each and every day's
continuance of such act or omission when it is of a contin-
uing character.

**Penalties to
extend to
every act or
continuance** Sec. 8. That in all cases where the act, duty or omission may
be made punishable, or shall be created by different clause
or sections of the same or different Ordinances of the city the
Mayor may elect under which to proceed and all subsequent
proceedings that may be had against the same person, on the
same account must be in reference to, and depend upon the
clause, or Ordinance so elected.

**Selection of
law to de-
termine of-
fences.** Sec. 9. That in all cases when the doing any act, or the
omission to do any act or duty, is required or enjoined, and

**When offen-
der is a mi-
nor.**

if there is no fine or forfeiture prescribed for it, any person convicted thereof shall be fined not less than one nor more than fifty dollars, or, if he be a slave, shall be punished with any number of lashes, not exceeding thirty-nine, upon his bare back, at the discretion of the Mayor, unless the owner or employer of such slave shall pay the fine and costs. And in all cases when the offender is a minor, the parent, guardian, or employer of such minor shall be liable for the penalty and costs.

SEC. 10. That in all cases when there is reason to apprehend a breach of the peace, or the violation of any Ordinance, or when any person is convicted of the violation of any Ordinance, the Mayor may require the person so suspected or convicted, to give bond with good security, in such an amount as he shall deem reasonable and sufficient, payable to the Mayor of this city, and conditioned that such person shall keep the peace and be of good behavior for a period not exceeding twelve months. And if such person refuse or fail to give such bond, he shall be confined at labor on the streets or elsewhere until the bond shall be given, or for such a time not exceeding four calendar months, as the Mayor may determine. And when such person is a minor or slave, the parent, guardian, or employer of the minor, or the owner, employer or agent of the slave shall give or cause the bond to be given.

Mayor may require bonds to keep peace, &c.

Penalty for failure, &c.

Bond for minor or slaves, how given.

SEC. 11. That no suit, proceeding, right, fine, penalty or forfeiture instituted, enacted, given, secured, or accrued under any Ordinance previous to its repeal, shall in any way be affected, released, or discharged by such repeal, but may be prosecuted, enjoyed and recovered, as fully as if such Ordinance had continued in force, unless otherwise expressly provided.

No right or proceeding shall be affected by the repeal of any ordinance.

POLICE.

AN ORDINANCE

Regulating the City Police.

SEC. 1. Be it ordained, That the Mayor shall be the head of the Police department, and shall superintend and direct the Police generally. He shall see that the several officers and members are prompt and faithful in the discharge of their duties, and shall at all times take such measures as he

Mayor the head of police.

Duties

may deem necessary for the preservation of peace and good order and for enforcing the laws and Ordinances of this city.

Aldermen
to assist the
Mayor.

Sec. 2. That the Aldermen shall co-operate with the Mayor in preserving the peace, and enforcing the laws and Ordinances of the city, and they shall arrest or cause to be arrested, either with or without process, all persons who may be found committing any crime or misdemeanor, or violating any Ordinance of this city, or who may reasonably be suspected of having been guilty thereof, and to detain them in custody until they can be brought before the Mayor.

Duties.

Constable
Chief of po-
lice.

Sec. 3. That the city Constable shall be the chief of the acting Police under the control of the Mayor. It shall be his duty to preserve peace and good order, and to enforce the Ordinances of the city, and whenever any violation thereof shall come to his knowledge, he shall arrest the offender, or if necessary to make the proper complaint or cause it to be made, and shall aid in procuring all evidence necessary for an investigation of the case: He shall obey the order of the Mayor, and shall see that the Policemen under him obey the same, and that they perform all their duties promptly and faithfully and shall report any failure, neglect or misconduct on their part to the Mayor. He shall keep a suitable book, in which he shall record the daily reports of the Police, so as to show the report of each Policeman respectively, and shall make a report therefrom to the Board in writing at every regular meeting, together with any other information which he may have received from any source, or which the Board may desire concerning the affairs and operations of the Police department, and in all cases where immediate or extraordinary action is required, he shall report without delay to the Mayor: He shall see that the corporation bell is rung punctually at night and in the morning, as hereafter provided, and shall discharge all other duties which may be required of him by the Ordinances of the city.

Duties.

Penalty for
neglect of
duty.

Sec. 4. That if the chief of the Police neglects or refuses to perform any duty required of him by the Mayor or by the Ordinances of the city, he shall be fined for each offence not less than ten dollars, or may be removed from office, or both at the discretion of the Board.

Duties of
Policemen

Sec. 5. That the Policemen shall be divided into day and night Police; they shall in all things obey and assist the Mayor and the chief of Police in the discharge of their duties; they shall preserve order, peace and quiet; and shall enforce the laws and Ordinances of the city, and shall devote the whole of their time and attention to the duties of their office: They shall report themselves for duty at such time and place as the Mayor or chief of Police shall direct, and in all cases, shall render such prompt and energetic assistance as may be required of them, or as the exigencies of the occasion may demand.

Sec. 6. It shall be the duty of the Policemen to arrest pe

persons found in the city in the act of violating any law or Ordinance or aiding or abetting in such violation, and any disorderly person, or person found under suspicious circumstances and to detain them in custody until they can be brought before the Mayor to be dealt with according to law, and to arrest and commit to the Calaboose all persons found drunk on the streets or square after ten o'clock at night, and all slaves found at large in the city after the ringing of the bell at night without the written permission of the master, employer or owner.

To arrest
drunken
persons and
negroes af-
ter dark.

Sec. 7. It shall be the especial duty of the Police to use all lawful means to prevent and break up unlicensed groceries and grog shops, and to see that all retailers of liquor observe faithfully and scrupulously the laws and Ordinances of the city, and to report any and every violation of the same.

Special du-
ty to watch
groceries.

Sec. 8. They shall have power and authority in the city to serve and execute warrants and other process for the apprehension and commitment of persons charged with or held for examination or trial for the commission of any offence against the Ordinances of the city, and while making such arrest, or while executing or serving, or assisting in the execution or service of any such warrant or process, shall be vested with and possess all the powers and authority conferred on Constables by the laws of the State of Alabama, and they shall have a right without a warrant, to enter any house or enclosure, when a crime or breach of the peace has been committed and to arrest the offender.

Shall serve
process.

Same pow-
ers as State
Constable.

May enter
house with-
out warrant

Sec. 9. Immediately after discovering a fire or upon hearing an alarm, it shall be the duty of the Police to give the alarm by crying fire and by ringing the bell and to make known the place where the fire may be, and it shall also be their duty to proceed at once to the fire and use every exertion in extinguishing the flames and in the preservation of peace and order and the protection of property.

Give the al-
arm of fire.

Duty at
fire.

Sec. 10. Any Policeman may, whenever he shall deem it necessary in the discharge of his duties, summon to his assistance any citizen or bystander, and any person who shall fail or refuse, when so called upon, to give promptly such aid and assistance as may be in his power shall be reported by the said Policeman to the Mayor, who shall thereupon fine him in a sum not less than five dollars.

May sum-
mon bystan-
ders.

Penalty for
refusal.

Sec. 11. If any person shall resist any Policeman in the discharge of his duty, or shall in any way interfere with or hinder or prevent him from discharging his duty or offer or endeavor to do so, or assist any person in the custody of any Policeman to escape or attempt to escape from such custody, or rescue or attempt to rescue any person so in custody, he shall be fined in a sum not less than twenty-five dollars.

Resisting
Officers.

Sec. 12. If any person shall falsely and with intent to deceive, endeavor to personate any Policeman or officer of the

Personating
Officers.

city, or to represent himself as a member of the Police or any officer of the city he shall be fined not less than ten dollars.

May appoint substitute. SEC. 12. If any Policeman is unable to perform his duty, either from sickness or any other cause, which may be deemed good and sufficient by the Mayor, he may with the consent of the Mayor, employ a substitute, to be approved of by the Mayor who shall discharge the duties of a Policeman during his inability, and such absence and appointment shall be reported to the Board by the chief of Police at their next regular meeting.

Temporary appointment of police. SEC. 14. Whenever in the opinion of the Mayor, or of any two of the Aldermen the safety or good order of the city shall require a temporary increase in the number of Policemen, he or they are authorized and required to employ such additional number, as the exigencies of the occasion may demand, which appointment shall continue in force until the next regular meeting of the Board of Aldermen, when it shall be reported to them for their approval. The Policemen so appointed shall be subject to the same regulations and receive the same compensation as those regularly appointed.

Appointment or dismissal of police. SEC. 15. The Board of Aldermen may at any time, when they may deem it necessary or desirable, increase the number of the Police, and they may at any time dismiss any Policeman, upon paying him the amount of his salary, due at the time of his dismissal.

Penalty for neglect of duty, &c. SEC. 16. Any member of the city Police who shall neglect or refuse to perform any duty required of him by the laws or Ordinances, or the Mayor, or who shall be found guilty by the Board of having been drunk or asleep while on duty or of having been guilty of receiving any bribe, or of any fraud, extortion, oppression, favoritism, partiality, neglect, injustice or wilful wrong, shall be fined in any sum not less than ten, nor more than fifty dollars, or deprived of his office, or both, in the discretion of the Board.

Pay. SEC. 17. The Policemen shall receive for their services such compensation as may be determined by the Board.

Day Police. SEC. 18. The day Police shall report themselves to the chief of the Police every morning at the ringing of the bell at daylight, and shall continue on duty from that time until the ringing of the bell at nine or ten o'clock at night, when they shall make a report to the chief of Police of all their proceedings during the day.

Night police. SEC. 19. The night Police shall report themselves to the chief of the Police at the ringing of the bell at nine o'clock, P. M., from the 21st of September to the 21st of March, and at ten o'clock, P. M., from the 21st of March to the 21st of September, and shall continue on duty from that time until the ringing of the bell at daylight in the morning, when they shall make a full report to the chief of Police of all their proceedings, during the night; between the 21st of September and the 21st of March, strike the hour on the bell at the Mar-

Duties.

ket House, at 11, 1, 3 and 5 o'clock, and between the 21st of March and the 21st of September at 12, 2, and 4 o'clock.

SEC. 20. The reports made by the Policemen to the chief of the Police, and by him to be reported to the Board of Aldermen, shall show whether each Policeman reported himself at the proper hour, whether he remained on duty during the appointed time, and if not, for what reason, and on what account he absented himself, and whether he made any arrests, or performed any other duties, and if any, what duties, and any information which he may have received connected with his duties or the affairs of the department; and any Policeman whose name and report shall not appear, on the report of the chief for any day, shall be considered as absent on that day and dealt with accordingly.

Reports what to contain.

Penalty for failing to report.

SEC. 21. That persons appointed as night or day Police, be and are hereby required to give bond in the sum of five hundred dollars, conditioned for the faithful performance of their duty.

Give bond.

PORTERS.

An Ordinance regulating Porters.

SEC. 1. Be it ordained, That it shall not be lawful for the master, or any person having control of any slave to permit such slave to work as a public porter, or by the job in this city, without first obtaining a license therefor under a penalty of ten dollars for each offence. And if any slave so offend without the consent of his master, he shall receive ten lashes.

Slaves not to work as porters without license.

SEC. 2. That it shall be the duty of the city Clerk upon application being made to him by the master, or person having control of any slave, and upon the payment of five dollars to him, to issue a license to such slave to work by the job and as a public porter for the space of twelve months thereafter, and to furnish said slave with a suitable badge distinctly lettered and numbered, the number of which shall be entered on the license. And the person obtaining such license may transfer such license and badge to any negro owned or controlled by him, by notifying the city Clerk of such transfer and obtaining his approval thereof endorsed upon the license, but no transfer shall be valid without such approval.

Clerk to issue license and furnish badge.

License and badge may be transferred.

SEC. 3. That any porter so licensed shall wear the said badge in some conspicuous place about his person, under a penalty of ten lashes. And if any porter shall refuse or fail when requested, the usual pay for such work being tendered,

Penalty for refusing to work when requested.

to do any work ordinarily done by porters in this city, he being disengaged at the time and having no sufficient excuse, he shall receive not less than ten lashes and the person taking out the license for him shall be fined one dollar, for each offence.

Ordinances to prohibit slaves from loitering, &c. not applicable to porters.

SEC. 4. That so much of the Ordinances of this city as make it unlawful for slaves to stand about the streets or squares of this city, or in or about stores and other places where spirituous liquors are kept or sold, shall not apply to licensed porters, when wearing their badges and in the discharge of their duties as such.

RETAILING LIQUORS.

AN ORDINANCE

To regulate the Retailing of Liquors.

No person to retail without license.

SEC. 1. Be it ordained, That no person shall retail, or sell in less quantities than one quart, any spirituous, vinous, or intoxicating liquor in this city, or within one mile of the Court house of this county, unless he shall have first obtained a license to retail the same, from the Mayor of this city, under a penalty of not less than twenty-five dollars for each and every offence.

Penalty.

License, how obtained.

SEC. 2. That any person or persons, desiring to obtain a license to retail liquors within the aforesaid limits, shall make a written application therefor to the Mayor of this city, and shall deliver to him a recommendation in writing signed by six respectable and disinterested house holders or free holders residing in the ward in which such retail house is desired to be located, setting forth their willingness that such house should be established in that ward, and recommending the place where such retailing is proposed to be carried on, or a fit and suitable place for such business, and the applicant or applicants as suitable and proper persons to receive such license, and shall enter into bond with good security, to be approved by the Mayor, in the sum of one thousand dollars, payable to the Mayor or his successors in office, and conditioned as hereinafter prescribed, and shall take and subscribe the oath hereinafter required, and shall also pay to the city Clerk, the sum of two hundred and fifty dollars for the said license, and a fee of one dollar to the said Clerk for issuing

Recommendations required.

Bond.

Oath.

Amount paid for License.

the same. In all cases when a license is desired to be obtained for retailing liquors beyond the limits of the city and within one mile of the Court House of this county, the recommendation herein before required shall be signed by six respectable, and disinterested house holders or free holders, residing nearest the place where such retail house is proposed to be established. But no license to retail shall be granted to any free negro, nor for a longer or shorter time than one year.

Recommendation for house outside of the city.

No License to free negroes. Licenses for one year.

SEC. 3. That any person applying for a license to retail liquors, who may be dissatisfied with the decision of the Mayor thereon, may appeal from such decision to the Board of Aldermen, at their next regular meeting, who shall have power to change or reverse the same at their discretion.

Applicant appeal.

SEC. 4. That the license to retail shall set forth the name or names of the person or persons to whom it is granted, and the house or place in which the business may be carried on, and it shall have no force or validity for any other person or place.

License to specify person and place.

SEC. 5. That the bond to be given by an applicant for a license to retail shall be conditioned in effect as follows, viz:— That he will obey and observe all the laws and Ordinances of this city and particularly those in regard to retailing spirituous liquors; that he will keep a quiet, orderly and decent house—that he will not sell or give any spirituous, vinous, or intoxicating liquor to any slave or minor, nor sell to or purchase from any slave any commodity whatsoever, unless in the presence of or by the written permission of his master, employer or owner, nor suffer any slave to be in or about his premises contrary to the Ordinances of this city—that he will not allow any gaming of any kind in or about his premises, and that he will not allow his Clerk or Agent, or any other person in or about his premises to violate or evade any of the laws and Ordinances of the city.

Bond, how conditioned

SEC. 6. The applicant shall also, before obtaining a license to retail, take and subscribe the following oath before the city Clerk, viz: I do solemnly swear, that I will not sell or give any vinous, or spirituous liquor to any slave or minor, nor sell to, or purchase from, any slave any commodity without the presence or written permission of the owner, master, or overseer of such slave, and that I will not knowingly suffer the same to be done by my partner, clerk, agent or any other person upon or about my premises, and further that I will not allow gaming of any kind to be carried on, on or about my premises, which affidavit, together with the application, the recommendation and the bond shall be filed in the office of the city Clerk.

Oath.

SEC. 7. That if any person shall evade or attempt to evade any provision of this Ordinance, by any means or device whatsoever, he shall be fined in the sum of not less than twenty-five dollars for each offence; provided that this Ordinance

Evasion of the law.

Druggists excepted. nance shall not apply to druggists who shall in good faith, sell vinous, spirituous or other liquors for medicinal purposes.

Not to sell to minors, &c. SEC. 8. That any person not having a license to retail liquors, who shall sell any spirituous, vinous, or intoxicating liquor in any quantity within the aforesaid limits, and permit the same to be drunk in or about his premises, or any person, whether licensed or otherwise, who shall sell such liquor in any quantity to a minor, or to an intoxicated person, or to any person known to be of intemperate habits, shall be fined not less than twenty-five dollars for each and every offence.

Persons having License to retail ale, &c. SEC. 9. That any person having a license to retail ale, beer, or other fermented liquors, who shall sell any spirituous, vinous, or intoxicating liquors in less quantity than one quart, shall be fined in the sum of fifty dollars for each offence.

Not lawful to sell or give liquor to a slave. SEC. 10. That any person within the said limits, whether licensed or not, who shall sell, give, or barter to any slave any spirituous, vinous, or intoxicating liquor in any quantity without the written permission of the master, employer or owner of such slave, shall be fined not less than twenty-five dollars for each offence. And in prosecutions for this offence proof of the following facts shall be admitted as circumstantial evidence, to be considered by the Mayor, viz: That free negroes or slaves frequent the premises of the defendant; that

Penalty. he admits them into his house or premises by indirect, or private ways, or in a secret manner, or at night; and that he has intoxicating liquors on his premises for sale, or in such quantities, and under such circumstances, as would warrant the conclusion that he designed to traffic in them.

Circumstances to be admitted as evidence for prosecution SEC. 11. That if any person, having the management or control of any store, grocery, or other house or place, where intoxicating liquors are sold or given away, either by wholesale or retail, shall employ any negro or mulatto, whether free or slave, in or about such house or place, unless some discreet white man is employed and constantly present in such house or place, or shall entrust or permit any negro or mulatto to draw, measure, bottle, or otherwise be employed about such intoxicating liquors, except in the immediate presence and under the control of some discreet white person, he shall be fined not less than ten dollars for each offence.

Negroes not to be employed in Groceries. SEC. 12. That if the owner or occupant of any store, grocery, or other house or place where intoxicating liquors are sold or given away in any quantities, or any clerk, agent or other person having the control thereof, shall permit any slave or slaves to enter his said house or place of business, or to stand, loiter, or be in or about the same, unless the master, employer or overseer of such slave be present, or unless the said slave has the written permission of his master, employer or overseer, to buy, sell or obtain some particular article or articles, or if he shall allow any slave having such permission to remain in his said house or place of business longer than is necessary to conclude such purchase or sale, or to

Slaves not to enter or loiter about Groceries.

procure such article or articles, he shall be fined not less than ten dollars for each offence.

SEC. 13. That in prosecutions for offences against the provisions of this Ordinance it shall not be necessary to a conviction to prove that any negro or mulatto is a slave, nor the name of his master, employer or overseer, nor that such master, employer or overseer was not present at the time when the offence is charged to have been committed, nor that it was not done by his order or consent, nor that such negro or mulatto did not have a written permission as hereinafter required, but if these facts, or any of them are relied on by the defendant they must be proved by him.

Not necessary to prove negro slave, &c.

SEC. 14. That if any person shall knowingly and wilfully sell or barter, any impure, unwholesome, or adulterated drink or liquor, or any drink or liquor containing or impregnated with any drug, or any deleterious or poisonous substance or quality, he shall be fined not less than twenty-five dollars for each offence.

Not to sell impure or adulterated liquors.

SEC. 15. That any person owning or having any interest in any intoxicating liquors shall be liable for any violations of this Ordinance committed on the premises where such liquors are sold or kept, whether such violations be committed by himself or by his partner, clerk, agent or any person under his control, or in charge of or employed about the said premises. But nothing herein contained shall relieve such partner, clerk, or other person from any liability which he may have incurred by reason of such violation.

All owners liable for all offences committed

SEC. 16. That in all cases where such information shall be given to the Mayor, or any officer of the city, as shall lead to the conviction of any offender against the provisions of this Ordinance, the person giving such information shall receive one-half of the fine collected. And the Mayor or officer to whom such information is given shall not disclose the name of the informer.

Half the fine to go to the informer.

SEC. 17. That it shall be the special duty of the city Constable and Police to prevent any violations of this Ordinance and to arrest all persons whom they may find violating any of the provisions thereof, and take them before the Mayor for trial.

Police to arrest offenders.

REVENUE.

An Ordinance concerning Revenue.

SEC. 1. Be it ordained, That there shall be levied, assessed, and collected an annual tax of such per centum, as the Board of Aldermen may determine, for each year, not exceeding

Annual tax fixed by the Board.

Taxable property. one half of one per centum upon the value of all the real and personal estate, slaves, money hoarded, or employed, whether by agent or otherwise, in the purchase of gold and silver, bills of exchange, bank notes, notes, drafts, bonds, or other issues, or evidence of credit, vehicles kept for pleasure, carriage and saddle horses, stud horses and jacks, stocks of goods, wares and merchandise, gold and silver watches, safety, fob, vest or other gold and silver chains kept for use, pistols, bowie-knives, polls, free negroes and mulattos, and all other property, taxable by the laws of this State, excepting such as for the use or vending of which, special taxes are assessed by the city Ordinances.

Properly exempt from taxation. SEC. 2. That the following property shall be exempt from taxation, viz: all goods and articles manufactured in the State, all houses kept and used exclusively as churches, parsonages, and for the use of schools and for no other purposes, and the lots upon which they stand, the Court House, Jail and other public buildings owned by the State or County, streets, alleys, burying grounds and other public grounds of the city, slaves over sixty years of age, and all property owned by the State or county, or by literary, religious, or charitable institutions and actually used for the purposes for which such institutions were created; not exempting, however, any of such property when invested in stocks or employed in any other than the regular business of such institutions.

Rate of tax on privileges. SEC. 3. That there shall be an annual specific tax on all the several privileges hereinafter named, to-wit:

RATES OF TAXES ON PRIVILEGES.

Wholesale merchants, &c.	Every wholesale or retail merchant, grocer, commission merchant or auctioneer shall pay half of one per centum per annum upon the gross amount of their sales.
Cotton brokers, &c.	Every cotton broker or buyer, and every agent for non-resident brokers or merchants, and every real estate broker or agent, and every person pursuing the vocation of a general collector shall pay ten dollars per annum.
Livery stables.	Every livery stable shall be taxed ten dollars per annum for license.
Retailers of Ale, &c.	Every retailer of ale, porter, beer or cider shall pay for a license ten dollars per annum.
Theatre.	Every theatre shall pay for a license one hundred dollars per annum, or, for a shorter time than one year, ten dollars for the first night and five dollars for each succeeding night.

Every circus and menagerie, twenty-five dollars: Every exhibition of wax figures, or any other show or exhibition, shall pay for each performance ten dollars. Circus, &c.

Every concert or musical exhibition shall pay ten dollars for each performance; except where the proceeds shall be for some charitable or religious purpose. Concert, &c.

Every exhibition of painting or statuary shall pay ten dollars for each day. Painting, &c.

Every omnibus, cart, dray, wagon, carriage, or other vehicle used and run for hire or profit, shall pay for license annually, as follows: Omnibuses, &c.

For each carriage, buggy, or other vehicle drawn by one horse, five dollars; for each cart, dray, carriage or other vehicle drawn by two horses, seven dollars and fifty cents; for each cart, dray, or other vehicle drawn by three horses, ten dollars; and for each dray, omnibus, wagon or other vehicle drawn by four horses, fifteen dollars. Carriages, &c.

Each peddler and hawker shall pay for license ten dollars per annum. Peddlers, &c.

Each huckster shall pay for a license ten dollars per annum. Hucksters.

Each retailer of vinous and spirituous liquors shall pay for license two hundred and fifty dollars per annum. Retailers,

Each cigar shop, or retailer of cigars, each soda fountain, confectionary, ice cream saloon, and fruit store shall pay for license ten dollars per annum, provided, that when two or more of these vocations are carried on by the same person or firm, in the same house, the tax above specified shall be required for one only, and an additional tax of two and a half dollars shall be required for each additional privilege. Cigar shops, Soda fountains, &c. Proviso.

Every billiard, jenny lind, bagatelle, or other table for playing any game not prohibited by the Ordinances of this city or the laws of this State, shall pay for a license fifty dollars per annum. Billiard tables, &c.

Every bowling or ten pin alley shall pay for a license one hundred dollars per annum. Ten-Pin Alleys.

Every broker or dealer in bills of exchange, gold and silver, stocks, notes, drafts, uncurrent money, or other evidences of credit, shall pay for a license one hundred dollars per annum. Brokers, &c.

Every negro trader shall pay a tax of two dollars on every negro sold or exhibited for sale by him in this city. Negro traders.

Every person, firm, or corporation, not licensed as a broker, who shall discount securities for money, or purchase any gold or silver, or any notes, bills, drafts, or other evidences of credit, shall pay a tax of ten cents per annum on each hundred dollars so employed. Discounting notes, &c.

Every hotel, tavern or inn shall pay for a license two per cent upon the value of the rent of such hotel, tavern or inn; but in no case shall it be for less than twenty-five dollars. Hotels, &c.

Every boarding-house, coffee-house, restaurant, eating-house, or other house of entertainment, shall pay for license ten dollars per annum. Boarding houses, &c.

Poll tax. Every white male over twenty-one years of age and under forty-five shall pay a poll tax of twenty-five cents.

Street tax. Every person liable to work on the public streets shall pay a tax of two dollars per annum in lieu of such labor, and the owner of each slave so liable, shall pay the like sum of two dollars in the lieu of the services of such slave.

Merchant defined. SEC. 4. That the word "merchant" as herein used shall be construed to include every person dealing or trading in any goods, wares, merchandise, groceries, drugs, jewelry, medicines, or commodities of any kind, excepting those which may be sold without a license.

Licenses—how obtained. SEC. 5. That all licenses shall be issued by the city Clerk, and in all cases, where the amount of tax to be paid for licenses depends upon the amount of capital invested, or of sales made, or business done, or the value of goods, it shall be the duty of the person applying for such license, to deliver to the said Clerk a sworn statement of the amount of such capital, or sales, or the value of such goods, which oath may be made before the said Clerk.

Penalty. SEC. 6. That if any person shall without first obtaining a license as provided in this Ordinance, engage in any business or trade for which he is hereby required to pay a tax, or obtain a license, he shall be fined for each day such business or trade is carried on without paying such tax, or without such license, not less than ten dollars. And if any person shall sell any article or description of property, without having obtained a license therefor, as herein before provided, for each sale, he shall forfeit and pay a fine of not less than five dollars.

SABBATH.

AN ORDINANCE

Concerning the Observance of the Sabbath.

No person to labor. SEC. 1. Be it ordained, That no person shall in this city do, or exercise any worldly labor or business, on the Christian Sabbath, or shall employ, or compel any slave to work or labor on that day (works of necessity, charity, and the necessary occasions of the family excepted) under a penalty of five dollars for each offence. The Sabbath shall be deemed to commence at twelve o'clock on Saturday night to continue until twelve o'clock on Sunday night.

Duration of SEC. 2. That if any person shall keep open his store, gro-

every, confectionary or place of business on the Sabbath, or sell on that day any goods, wares, confectionary, or spirituous or malt liquors, or shall deal out the same by gift or otherwise, he shall be fined not less than ten dollars for each offence, provided, that nothing contained in this section shall apply to keepers of hotels, or boarding houses, nor to apothecaries in their business as such, and provided that barbers may keep open their shops until twelve o'clock at noon and not later.

Stores kept open on the Sabbath.

Houses excepted.

SEC. 3. That any person who shall buy any goods, or commodity whatsoever on that day, except in case of sickness or necessity, shall be fined not less than one dollar.

Not to purchase, &c.

SEC. 4. That no sports, public exercise, or exhibition, or games of any kind shall be allowed on that day, under a penalty of five dollars upon each person engaged therein. And that any owner or keeper of a billiard table, ten pin alley, or other place of public amusement, who shall keep or permit the same to be kept open for use or amusement, or to be used, on that day, shall be fined not less than twenty dollars.

No sports, games, &c.

Not to keep open billiard rooms, &c.

SEC. 5. That if any person shall load or unload any wagon, cart or dray in this city, on that day, or drive any horses, cattle, sheep or swine through the streets, (except in case of necessity,) he shall be fined not less than five dollars.

Not to load carts, &c.

SEC. 6. That if any person shall disturb any congregation, lawfully assembled to perform any religious service, or shall at any time, cause any riot or disturbance in any church or place of worship in this city, he shall be fined not less than twenty-five dollars.

Not to disturb public worship.

SEC. 7. That the provisions of this Ordinance do not apply to the railroad trains arriving on that day, nor to the ice-houses, livery stables, milk carts, or gas works, and the persons employed about the same.

Does not apply to Rail Road trains, &c.

SHOWS, EXHIBITIONS, ETC.

AN ORDINANCE

To regulate Shows, Exhibitions, &c.

SEC. 1. Be it ordained, That it shall not be lawful for any person to exhibit any theatrical, or equestrian performance, or any panorama, diorama, painting or statuary, or any rare or uncommon animal or person, or any rope dancing, wax figures, puppets, or feats of strength, agility or sleight-of-hand, or any performance, exhibition, show or concert to which the public are admitted for money or reward, nor for any musicians to perform or play in any street of this city for money,

Shows, &c., unlawful unless Licensed.

without a proper license from the city Clerk, under a penalty of fifty dollars for each and every offence; provided, that any Thespian company composed of amateurs may perform, and that any concert or other exhibition, by the ladies of this city or others, strictly for charitable, religious, or literary purposes, may be given without license, by permission of the Mayor.

Thespian
Companies,
&c, except-
ed.

SEC. 2. That if any person shall permit any performance or exhibition within the contemplation of this Ordinance, to be held or given without the proper license, in any house or premises, owned or controlled by him, he shall be fined not less than five dollars for each offence.

Unlicensed
exhibitions,
&c.

SEC. 3. That it shall be the duty of the Mayor or Constable to appoint one of the city Police (or more if it be desired by the manager of the exhibition) to attend each performance of any licensed show or exhibition. And each officer so appointed shall receive from said manager not more than two dollars per day or night, for each day or night that he may be in attendance on such exhibition; and if the manager of any licensed show or exhibition fails to employ or pay such officer, his license shall be revoked.

Officer to
attend exhi-
bitions, &c.

Pay.

Penalty.

SEC. 3. That it shall be the duty of the officers appointed to attend any exhibition, to be present at each performance, to preserve strict order and decorum in such exhibition, to arrest and remove therefrom all disorderly or drunken persons, or any person who may disturb the audience, or the performance, by any boisterous talking, whistling, or swearing, or any ungentlemanly or indecent acts or conduct, or any person who shall be guilty of violating any Ordinance of this city, and to bring them before the Mayor. And they may call upon any person present to assist them in the discharge of their duties.

Duty of of-
ficers.

SEC. 5. That any person who may be guilty of any of the offences enumerated in the last section, shall be fined not less than five dollars for each offence.

Penalty for
disorderly
conduct.

SEC. 6. That the tax for a license for any theatrical performance shall be ten dollars for the first night, and five dollars, for each succeeding night—for any circus or menagerie, twenty-five dollars for each exhibition—for any exhibition of wax figures, puppets, or any feats of strength or agility or any other show or exhibition, ten dollars for each exhibition, and for any exhibition of paintings or statuary five dollars, and for any concert or musical performance, ten dollars; and in all cases one dollar to the Clerk for issuing such license.

Tax for Li-
cense.

SEC. 7. That in all cases where two or more shows or exhibitions of any character, are united or joined together, or exhibited by the same person, they shall if separate or additional charges are made for admission into each, be taxed as separate and distinct exhibitions, even though they may be held in the same place.

Separate
tax for two
or more ex-
hibitions u-
nited.

SLAVES.

An Ordinance regulating Slaves.

SEC. 1. Be it ordained, That all slaves found at large in this city between the ringing of the market bell at night, and the ringing of the bell in the morning without the written permission of their master, employer or overseer, shall be arrested and committed to the Calaboose, and that on the next morning thereafter they shall be liberated either with or without corporeal punishment at the discretion of the city Constable. But such punishment shall in no case exceed ten lashes.

Slaves to be committed to calaboose if out after the ringing of the bell.

May be whipped.

SEC. 2. That if any slave absent himself from his usual place of residence, or from the services of his owner, employer, agent or overseer for the space of more than twenty-four hours without the written permission of such master, employer, overseer or agent, or if any slave be found secreting or concealing himself he shall be deemed a runaway and dealt with as such according to the laws of this State. And any person who shall be guilty of harboring or concealing any slave, or of furnishing him with any pass or free papers shall, if a free person, be fined not less than twenty dollars, and if a slave shall receive thirty-nine lashes on his bare back.

When slaves are deemed runaways.

Penalty for harboring or giving passes to slaves.

SEC. 3. That no slave shall rent, buy or lease any land, house or building of any kind, or shall sleep in or occupy the same, unless it be the property or in the possession of his master or employer, provided, that if a slave be married he may lodge with his wife, by the consent of the master or employer of both. And no slave shall act as a free person of color, nor hire his or her own time, nor the time nor labor of any other slave, under a penalty of thirty-nine lashes for each offence. And any person owning or having the control of a slave, who shall permit him to violate any of the provisions of this section shall be fined not less than twenty dollars for each offence.

Slaves act to occupy separate houses.

Penalty on owner.

SEC. 4. That if any person shall rent, lease or sell any land, house, room, or other building of any kind, within this city, to a slave, either with or without the consent of his master, employer or overseer, or shall employ or hire, or contract with any slave without the consent of his master, employer or overseer, or if any person shall aid or combine with any slave, or his owner or employer, to violate or evade any of the provisions of this Ordinance, by standing or attempting to stand as the security, agent or owner of such slave, or by any other means whatsoever, he shall be fined not less than twenty dollars for each offence.

Penalty for renting property to slaves, hiring them, &c.

Sec. 5. That no assemblage of persons of color whether slaves or free or mixed shall be held in this city, without the consent of the Mayor first being had and obtained, and without the presence and superintendence of some white person capable of performing patrol duty; provided, that nothing herein contained shall prevent their assemblage for religious worship, with the consent of their master, and under the supervision of one of our city officers or of some white person appointed by the Board.

Police to disperse unlawful assemblages. Sec. 6. That it shall be the duty of the city Constable and Police to disperse all riotous, disorderly and unlawful assemblages, and all mixed crowds of slaves and free negroes, or of white and colored persons assembled for any other purpose than that of worship or burial, and in such cases they may, if it be necessary, whip the slaves whether with or without passes, and arrest the whites and free negroes, who shall be punished as for a misdemeanor.

Not to use insolent language, nor carry weapons, commit trespass or assault on white person, &c. Sec. 7. That no slave shall use any rude, insolent, obscene, or blasphemous language towards any white person, nor in the streets or in any public place, nor make any seditious speech, nor carry any club or other weapon unless ordered by his master or employer to carry such weapon from one place to another, nor commit any trespass or disorderly conduct, nor own any horse, mule, cow, hog or dog, nor commit any assault on any white person, or any breach of the peace, under a penalty of not less than ten lashes.

Not to buy from nor sell to slaves without permission of master, &c. Sec. 8. That it shall not be lawful for any person to buy or receive from, or sell to any slave any commodity whatsoever, nor to give or furnish to any slave any ale, beer, porter or other malt liquor unless in the immediate presence of, or by the written permission of his master, employer or overseer, under a penalty of not less than five dollars for each offence.

Shall not stand about or enter groceries, &c. Sec. 9. That no slave shall stand or loiter on the streets and squares of this city, except on Sundays or other holidays, nor be in or about any store, grocery, hotel or other place where spirituous, intoxicating or malt liquors are sold, or given away, either by wholesale or retail, unless in the presence or by the order of his master, employer or overseer, nor enter such place on any pretext whatsoever, unless sent by, or having the written permission of his master, employer or overseer, under a penalty of not less than fifteen lashes.

Shall not fight chickens, gamble or bet, or resist officers. Sec. 10. That if any slave shall be found guilty of fighting chickens, or of causing them to be fought, or of playing any games of cards, or at any other game of hazard, skill or address, or of betting or wagering any money or other valuable thing upon the result of any such fight or game, or shall resist the city Constable or the Police in the discharge of their duties, he shall receive thirty-nine lashes on his bare back.

Shall not buy eggs, &c., to sell again. Sec. 11. That it shall not be lawful for any slave or free person of color, to purchase any fowls, eggs, fish, fruits, or vegetables, in this city, with the intention of selling them

again, and to hawk and huckster the same about the city: and any person so offending, shall if free be fined in the sum of one dollar, and if a slave, he shall receive not less than ten lashes, and his owner or employer permitting the purchase and sale shall pay a fine of one dollar for each offence.

Sec. 12. That every negro trader, or dealer in slaves shall register each slave brought to, or exhibited in this city by him for sale, his name, age, sex and color, in a book to be kept by the city Clerk, who shall give him a certificate of such registration, and shall pay to the said Clerk the sum of two dollars for each slave so registered, and any person who shall fail to comply with the provisions of this Ordinance shall be fined five dollars for each and every slave not so registered.

Tax on slaves exhibited for sale.

Sec. 13. That it shall be the duty of the city Constable, or of the Policeman arresting any slave, for a violation of any Ordinance of the city, to give notice of such arrest and of the trial of such slave, to his master, overseer or agent, whenever such notice is practicable. And that for each slave whipped by order of the Mayor the Constable shall receive a fee of one dollar to be paid by the owner or employer of such slave.

Master to have notice of arrest of slave

Master to pay fee for punishment of slave.

STREETS.

An Ordinance concerning Streets.

Sec. 1. Be it ordained, That no person shall open, extend, or grade any street, alley or avenue in this city, without the consent of the Board of Aldermen, and under their direction and control, under a penalty of twenty-five dollars. And if such street is opened, &c., in compliance with the foregoing requirement, and used by the public and the owner of the ground over which said street extends, refuses to relinquish the right thereof to the corporation, or the corporation declines to accept the same, then and in that case, it shall be the duty of such owner, and he is hereby required to keep said street clear and in good repair during its continuance as such, under a penalty of not less than ten dollars, for each offence; provided, the Board shall, at any time have power to condemn such street according to the Ordinance for the condemnation of real estate.

Street, &c. not to be opened without consent of city.

Owner to keep in repair.

Penalty.

Proviso.

Sec. 2. That upon the written application of at least one-half the assessed value of the real estate through or over which any new street, alley or avenue, or any altera-

How streets are extended, or water drains &c.

upon application of adjacent property owners. tion, improvement or repair thereof is desired to be made, or where any water shall settle or stand, if the owners of one-fourth the assessed value of the real estate adjoining such place shall petition the city to drain the same, it shall be the duty of the Mayor to give ten days notice of such application

Ten days publication to be made. in one of the newspapers printed in this city, calling on all persons interested therein to come forward and file their objections thereto with the city Clerk. And it shall be the duty of the Board of Aldermen to investigate and ascertain

Cost to be ascertained. as near as practicable, the probable cost of the work petitioned for.

Board to determine expense. Sec. 3. That at the first regular meeting of the Board after the expiration of the said notice, the Mayor shall report to them the probable expense of the work, together with what he has done, and submit any objection that may have been filed. And if the Board shall ordain that the work be done,

Jury summoned. it shall be the duty of the Mayor to cause the city Constable, or one of the Police to assemble at a time and place appointed by him to assess the proper proportion of the probable cost of said work, that shall be paid by each owner of any real estate adjacent thereto. And the said jurors shall each receive one dollar for their attendance.

Jury to assess damages. Sec. 4. And the said jury, after being properly empaneled and sworn, shall proceed to enquire into and assess the same, and shall make up their verdict thereof, in writing, which verdict shall be signed by each of the aforesaid jurors, and recorded by the city Clerk, and a copy thereof certified by him, shall be a sufficient warrant to the city Tax Collector

Assessment collected as other debts. to collect the said assessments. And, if any person so assessed, shall fail, or neglect to pay said assessment, within ten days after demand has been made upon him by the said Collector, he shall be proceeded against in the same manner as other delinquent tax-payers; provided, that any person, who may deem himself aggrieved by such verdict, shall have the

Appeal from verdict. right of appealing therefrom, within ten days after the rendition thereof, as provided for in the Ordinance concerning the condemnation of real estate.

Owners of property may do the work. Sec. 5. That where a new street or alley, drain or avenue is established, or any repairs or alterations made thereon, the owners of the property through which it runs, may do the work thereon, at their own cost, under the supervision and control of the Board of Aldermen.

Streets, &c., opened without petition. Sec. 6. That whenever the Board of Aldermen shall deem it advisable or necessary to establish any new street, alley or avenue, or to widen and extend any now in use, they shall proceed as provided in the Ordinance concerning the condemnation of real estate.

Name of streets to be placed on corner. Sec. 7. That there shall be placed the name or sign of each street in legible painted letters upon a conspicuous place, on one of the corners, at the intersection of each street.

Sec. 8. That any house, building, portico or fence, which

may hereafter be placed so that it encroaches on the street, without the permission of the Board is a nuisance, and shall be removed back by the owner, under a penalty of ten dollars for each day it shall be allowed to remain.

Houses, &c., encroaching on streets, are to be removed.

Sec. 9. That no person shall remove any post, stake or other mark, indicating the lines of any street or alley, nor obstruct or incumber, or throw or place any obstruction, filth or rubbish in any street, alley, gutter or drain, nor remove any earth, gravel or other materials therefrom, nor occupy more than one-third of the width of any street or alley with any building materials, nor cut, break or otherwise injure any tree or shrub in any walk, square, street, road, or public way, nor pull down, remove or deface any board or plate, indicating the name of any street, nor cause any wheeled vehicle to pass over any of the MacAdamized or gravelled streets, or squares or alleys of this city, with one or more of its wheels locked, or fastened so as to drag, nor to haul, carry or transport any timber, stone or other heavy article over the same in such manner that any part thereof shall drag or touch said street, alley, &c., under a penalty of not less than five dollars for each offence, or, if a slave, to receive not less than ten lashes.

Not to remove marks or encumber streets.

Or injure trees, &c., or remove signs, or pass over streets with locked wheels, or drag heavy articles thereon.

Sec. 10. That each and every person within this city liable to work on the roads under the laws of this State shall pay an annual tax of two dollars, in lieu of such labor on the streets of the city.

Tax in lieu of labor on streets.

Sec. 11. It shall not be lawful for any person or persons to permit the waste water from their yards or lots to flow across the pavements of the city, excepting in pipes or wooden boxes, sunk in said pavements so as not to prevent the convenient passage of persons on foot, under a penalty of two dollars for every day they permit said water to flow across said pavement.

Waste water not to flow over pavements.

SUPERINTENDENT OF STREETS.

AN ORDINANCE

Concerning the Superintendent of Streets.

SEC. 1. Be it ordained, That it shall be the duty of the Superintendent of Streets, under the direction and control of the Board of Aldermen, or of the Executive Committee appointed by them, to exercise constant and immediate person-

Duties under direction of board or executive committee.

al care and supervision over all the streets, lanes, alleys, side walks, crossings, bridges, gutters, drains, vacant lots and public grounds of the city, and the buildings, reservoir, machinery and pipes belonging to or connected with the city water works, to keep the same clean and in good repair, and to report to the Mayor all persons who may be guilty of violating the Ordinances relating thereto:

To keep account of mules and all city implements. To keep strict account of the mules, carts and implements belonging to the city, which may be in his custody, charge or keeping; and make a report thereof to the Board at the end of every two months, accounting for the loss or destruction of any; and any deficiency in or damage to the same not accounted for satisfactorily to the Board, shall be charged to him and deducted from his salary:

To make reports. To report to the Board in writing at the end of every two months, all his official transactions, work done, work needed, money expended and the general condition of his department:

To report to the citizens. And to discharge all other duties, which may be imposed on him by the laws and Ordinances of the city.

Discharge other duties. Sec. 2. That the Superintendent of Streets shall receive

Pay. for his services such compensation as may be determined by the Board, and for any neglect or failure to perform any of the duties imposed upon him he shall be fined not less than five dollars in the discretion of the Mayor.

TAVERNS, HOTELS, ETC.

AN ORDINANCE

To regulate and License Taverns, Hotels, &c.

To be licensed. SEC. 1. Be it ordained, That no person shall keep a Tavern, Hotel or Inn, unless he shall first obtain a license therefor, for which he shall pay twenty-five dollars, nor a boarding house, coffee house or any other house of entertainment, restaurant, eating house, unless he shall have a license therefor, for which he shall pay ten dollars.

Keeper to conduct himself orderly and prevent disorder. SEC. 2. That it shall be the duty of every person having a license and carrying on business under it to conduct himself, and to see that others he may entertain, conduct themselves in an orderly manner on his premises, and to prevent all persons who may be there after 10 o'clock at night, from disturbing by cries, noise, songs or otherwise the peace or tranquillity of any of the neighbors: That he shall not permit any

disorderly or riotous conduct on his premises, and any person violating the provisions of this Ordinance shall be fined twenty dollars and ten dollars for each day such violation shall continue, and the Mayor may annul and revoke the license of such person, if in his judgment it should be done. Penalty.

TREASURER.

AN ORDINANCE

Defining the Duties of the City Treasurer.

SEC. 1. Be it ordained, That it shall be the duty of the city Treasurer, to keep a regular set of books in which fair entries shall be made of all the matters and things pertaining to or done in his office, and to keep a correct and regular account of all money received or paid out by him: To receive from the city Clerk and receipt for all money due or belonging to the city, and to pay out the same on the order of the Board, approved by the Mayor: To accept all orders drawn upon him by the Mayor and Board of Aldermen: To keep a list thereof; and in paying them, to give preference according to priority of presentation: To exhibit to the Board at their first regular meeting in each month a balance sheet, from his books, showing the amounts received and paid out, from whom received, to whom paid and on what account, and the amount on hand: To file and carefully preserve in his office all books and papers which may be delivered or entrusted to him, and to discharge such other duties as may be required of him by the Board, or the Ordinances of the city. Duties of Treasurer.

SEC. 2. That the city Treasurer shall receive for his services such compensation as may be determined by the Board, and for any failure or neglect in the discharge of his duties he may be fined, or dismissed from office, or both at the discretion of the Board, and shall moreover be liable therefor upon his official bond. Pay. Penalty for neglect of duty.

WARDS.

An Ordinance respecting Wards.

SEC. 1. Be it ordained, That the city of Huntsville shall be laid off into four Wards: the first shall include Gallatin and Jefferson streets, all those parts of Holmes and Clinton streets, lying west of Washington street, and that portion of the corporate limits of said city west of Washington street and north of the Public Square. The second Ward shall include Washington and Randolph streets and all that portion of the corporate limits of said city lying east of Washington and north of Eustis street. The third Ward shall include Eustis and Franklin streets and all that part of the corporate limits south of Eustis and East of Franklin street. The fourth Ward shall include Bank Row, and all that portion of the corporate limits of said city lying west of Franklin street and south of the Public Square.

SEC. 2. That the Board of Mayor and Aldermen may from time to time make such alterations and additions in said Wards as they may deem necessary and proper.

WATER WORKS.

An Ordinance respecting Water Works.

SEC. 1. Be it ordained, That if any person shall do or permit any act calculated to pollute the water in the public Spring or in any Reservoir, Hydrant or Water Pipe of this city, or to render the same unfit to be drunk, or if any person destroy, deface, remove, obstruct, or in any manner injure or disturb any house, wall, reservoir, fence, hydrant, fire plug, water pipe, machinery or other fixture belonging to or connected with the water works of this city, he shall be fined in a sum of not less than twenty dollars, or if a slave, shall receive thirty-nine lashes for each offence.

SEC. 2. That any person desiring to use water from the city water works, or to set up a hydrant or water plug upon his premises, or to make any connection with or attachment to the water pipes of the city, shall first obtain a permit from the Board of Aldermen, which shall set forth the purposes for which the water is to be used, and any such hydrant, fire

plug, &c., shall be put up at the expense of the person applying for the same.

Sec. 3. That if any person shall take or use water from any hydrant or water pipe in this city without having first obtained the proper permit, he shall be fined not less than five, nor more than ten dollars for each offence.

Not to use water without permit.

Sec. 4. That if any person having a permit to use the water use or permit it to be used for any other purpose than those specified in his permit, or shall sell or give away any of the water, or permit any other person to use any of the same, or if any person shall wilfully waste the said water, or permit the same to be wasted, he shall be fined in a sum of not less than five dollars for each offence; provided, that nothing herein contained shall prevent the owner of any lot or tenement supplied with water from the city from obtaining water from a pipe or hydrant on any other lot with the permission of the owner or occupant of such lot, whenever his own pipe or hydrant is out of repair, nor to prevent any person from using water from any pipe, hydrant or fire plug to extinguish a fire.

Water to be used only for specified purposes.

Not to be sold or wasted.

Proviso.

May be used at fires.

Sec. 5. That if any person shall make any connection with or attachment to any water pipe or hydrant so as to conduct the water therefrom, or shall make any addition to, or alteration of any fixture connected with the water works of this city, without first having obtained the proper permit, he shall be fined not less than five dollars for each offence.

Not to take off water or alter fixtures.

Sec. 6. That it shall be the duty of the city Constable to visit each lot and tenement upon which there is a hydrant, and examine the same quarterly, and if the said hydrant be out of repair, so as to cause a waste of water, it shall be the duty of the said Constable to notify the owner or occupant of said lot or tenement, who shall have the same repaired without delay, or in default thereof shall be fined not less than five dollars and a like sum for each day the said hydrant shall be allowed to remain out of repair.

Constable to examine hydrants quarterly.

Fine for allowing them to be out of repair.

Sec. 7. That if any slave commit any offence enumerated in this Ordinance, he shall be punished with any number of stripes not exceeding thirty-nine, in the discretion of the Mayor, unless his owner or employer will pay such fine as may be assessed against said slave, which fine shall in no case exceed ten dollars.

Slaves, how punished.

Sec. 8. That the following rates shall be paid for the use of water from the city water works, and that in all cases, when the amount of the rate to be paid depends upon the value of any property, such value shall be determined by the assessment made by the city Assessor, and the water rates shall be included in the list made by him, viz:

Water rates.

For each dwelling house valued at fifteen hundred dollars, or under, five dollars per annum.

For each dwelling house valued at not more than four thousand dollars, ten dollars per annum.

For each dwelling-house valued at not more than eight thousand dollars, twelve dollars and fifty cents per annum.

For each dwelling house valued at more than eight thousand dollars, fifteen dollars per annum.

For each private bath or bath house three dollars.

For each shower bath, not in bath house, two dollars.

For each dry goods, or other store or grocery, confectionary or bake shop, ten dollars.

For each private boarding house, twenty dollars.

For each hotel or tavern, fifty dollars and two per cent on the value of the rent thereof.

For each livery stable containing not more than thirty stalls, twenty dollars, and for each additional stall fifty cents.

For each coach shop, mortar yard or slave-depot, twenty dollars.

For each marble yard, and each stone or brick mason desiring to use the water for building purposes, fifteen dollars.

For each hatter shop, barber shop, laboratory or banking house, ten dollars.

For each shoemaker's, saddler's, cabinet maker's, tailor's, milliner's or tin shop, blacksmith, carpenter or wagon shop, or other shops where the water is not used for manufacturing purposes, seven dollars and fifty cents.

For each steam engine of not more than three horse power, fifteen dollars, and for each additional horse power three dollars.

For each eating house ten dollars.

For each coffee house, drinking saloon, or licensed grocery, fifteen dollars, and for each eating house and drinking saloon, combined twenty dollars.

For each doctor's, dentist's or lawyer's office five dollars.

For each bath tub or shower bath used in any public bath house five dollars.

For each water closet in a hotel or public building, three dollars and for each water closet in a private-house two dollars.

And the Board of Aldermen shall determine the tax for the use of water for any purpose of business not herein enumerated, and all taxes assessed for the use of water shall be payable as other taxes.

City Clerk to keep record of permits & make copies. Sec. 9. That it shall be the duty of the city Clerk to keep in a separate book a record of the permits granted by the Board for the use of water, showing the date of each permit, the name of the person to whom issued, and the purposes for which the water is to be used, and shall annually make out two copies of the same, one of which he shall deliver to the Board of Aldermen, and the other to the city Assessor.

Collector of taxes to collect water tax. Sec. 10. That the city tax Collector shall collect all rates and taxes due for the use of water, and that it shall be his duty to keep a separate book, in which he shall record the names of those using water, the purposes for which it is used.

and the amount received from each of them, and to report the same to the Board, and also to pay over to the city Clerk quarterly all moneys collected by him; and for his services he shall receive such compensation as the Board may determine.

SEC. 11. That if any person shall refuse or neglect to pay the amount of water tax assessed against him, for longer than ten days, after demand has been made upon him by the collector, it shall be the duty of the Collector forthwith to report such person to the Mayor, who shall thereupon direct the city Constable or the Superintendent of Streets to cut off the water from such person, until such tax shall be paid, and shall also issue execution therefor as for other taxes.

Delinquent
tax payers,
how pun-
ished.

CITY WEAIGHER:

SEC. 1. Be it ordained, That the city Weigher shall have charge and control of the city Scales, and shall keep them in good order and repair. And that he shall, when requested, weigh upon them any wagon, cart or other vehicle, loaded or unloaded, or any animal, or article or articles, and give a certificate of the weight thereof.

Duties.

SEC. 2. He shall charge and receive the sum of twenty-five cents for each weighing, and shall pay over the same to the city Clerk monthly and take his receipt therefor.

Fees.

SEC. 3. Upon information being received by him that any person has sold by weight or measure any commodity which has proved to be of short weight or measure, he shall report the same to the Mayor, who upon proof thereof shall fine the person so offending in a sum not less than five dollars.

Report per-
sons using
short wei-
ghts.

SEC. 4. He shall keep a suitable book in which he shall enter all the vehicles and other articles weighed by him, and the amount received therefor, and shall make a written report of the same to the Board at their first regular meeting in each month.

keep record
and make
reports.

SEC. 5. He shall receive for his services such compensation as the Board may determine, and for any neglect or failure in the discharge of his duties, shall be fined in a sum not less than five dollars in the discretion of the Board.

Pay.

Penalty.

WITNESSES AND COSTS.

AN ORDINANCE

Respecting Witnesses and Costs.

- Arrests.** SEC. 1. Be it ordained, That whenever any person may be arrested for any misdemeanor, or for any violation of a city Ordinance, and be brought before the Mayor, it shall be the duty of the city Clerk to issue a subpoena for any person within this city, who may be a witness in the premises.
- Witnesses to be summoned.** SEC. 2. That it shall be competent for, and the duty of any, Policeman of the city to execute said subpoena according to the terms thereof.
- Duty of policeman.** SEC. 3. That if any person within this city after being duly served with subpoena fail and refuse to appear and give his testimony in the case, he shall be deemed guilty of a misdemeanor, and be fined therefor ten dollars.
- Penalty for non-appearance.** SEC. 4. That every person who attends as a witness, being subpoenaed as aforesaid, shall be entitled to a fee of fifty cents to be taxed with the fine of the defendant, if he be found guilty.
- Witnesses' Fee.** SEC. 5. That if any officer of the city be a witness, he shall not in any case be paid for his attendance as such. And Police officers making the arrest, by serving process, shall receive therefor a fee of fifty cents.
- Police officers not to be paid as witnesses.**

GENERAL PROVISIONS.

An Ordinance concerning the terms used, &c.

- Meaning of words used in this code.** SEC. 1. Be it ordained, That the words used in these Ordinances in the past or present tense, include the future as well as the past or present. Words used in the masculine gender include the feminine and neuter; the singular includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; "writing" includes printing; "oath" includes affirmation; "signature" or subscription includes mark when the person making it cannot write, his name being written near it and witnessed by a person who writes his own name as witness. The word "property" includes real and personal property; the words "real property" are coextensive with lands, tenements and hereditaments.
- Property.**
- Real property.**
- Personal property.**

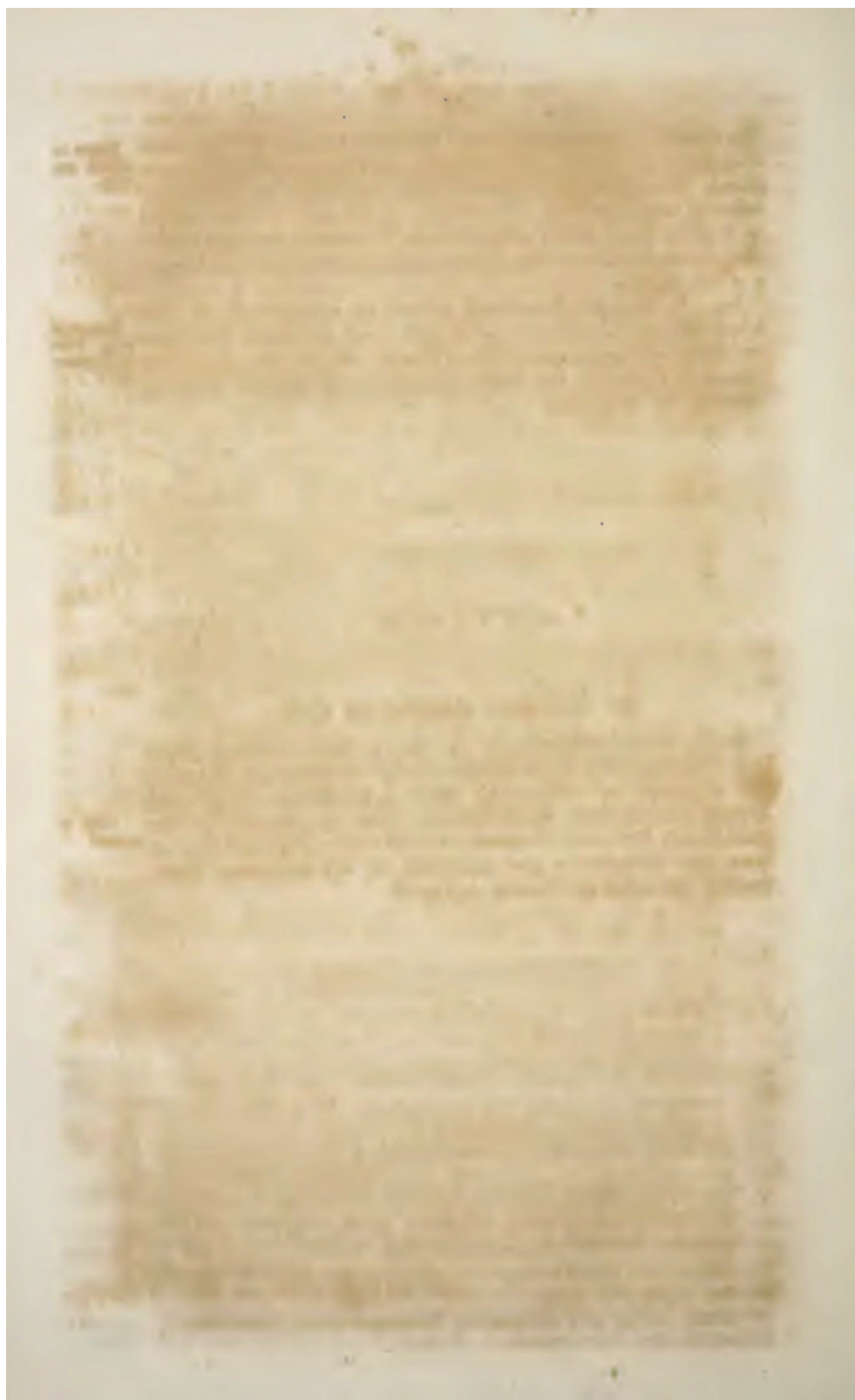
The words "personal property" include money, goods, chattels, things in action, and evidences of debt, deeds and conveyances. The term "negro" includes mulattoes and all persons of color or of mixed blood descended on the part of the father or mother from negro ancestors to the third generation inclusive, though one ancestor of each generation may have been a white person. Negro includes mulatto.

SEC. 2. That the municipal year shall commence on the fourth Monday in December of each year, and that the year for the commencement of the terms of officers, not otherwise expressly provided for, shall commence on the first Monday in January in each year. Municipal year, when to commence.

CITY CODE.

An Ordinance adopting the Code.

SEC. 1. Be it ordained, By the Mayor and Aldermen of the city of Huntsville, That the foregoing Ordinances, digested and prepared in conformity with a resolution of the said Board, bearing date 7th February, 1860, be adopted as the established laws and Ordinances of the said City, and that all laws and Ordinances not embraced in the foregoing Code, be and the same are hereby repealed. Code adopted.



INDEX TO CITY ORDINANCES.

ACCOUNTS—Against city how contracted; what Mayor may contract; receipts presented with; items to be specified in; how presented and proved,	16
For salaries how certified,	17
Of City Clerk shall keep,	27
ADULTERATION—Of Liquor, how punished,	73
AGENTS—Of non-resident Merchants, &c., tax on,	74
ALARM—Of fire, duty of firemen on,	38
Duty of Police,	67
False—how punished,	57
AFFIRMATION—Included in oath,	96
ALDERMEN—How elected, &c., (See Charter Sec. 3.)	5
Power and duties of (See Charter <i>passim</i> .)	
ALLEY—See Streets; Ten Pin, (See Bowling Saloon.)	
AMMUNITION—Penalty on free negro for having,	43
AMUSEMENTS—Places of public to be closed on Sabbath,	77
ANIMALS—Cruelty to, how punished,	17
Not to be tied to trees, &c., (See misdemeanor,)	58
In Graveyard, (See Burying Ground,)	25
Dead not to be left on premises, (See Nuisances.)	60
Dead, how removed,	61
Vicious not to go at large, (See Misdemeanor.)	58
Vicious not to be driven through streets, (See misdemeanor.)	58
APOTHECARIES—Sunday ordinance does not apply to,	77
How may retail liquors, (See retailing liquors.)	72
APPROPRIATIONS—Account of, kept by City Clerk,	27
ARRESTS—Form of warrant for	39
How made; Aldermen may make or direct; duty of Police and powers, (See Police.)	66
ASSAULT—A misdemeanor; and Battery a misdemeanor; parties to, how punished, (See misdemeanors.)	59
ASSEMBLAGES—Unlawful; riotous, to be dispersed; of negroes to be dispersed,	80
Penalty for permitting,	58
ASSESSOR OF TAXES—How elected; Bond and oath,	62
Duties of; to make list and estimate of taxable persons and property; list to contain,	15
To deliver copies of list to Collector, &c.; may require list of property, &c., from owner, under oath; duty if owner refuses to give list, &c.; assessment roll to be deposited in office of city clerk for inspection; assessment roll, mistakes in how corrected; assessment of taxes incurred after the 1st of May, how made; salary of, fixed by the Board; penalty of, for neglect of duty,	18
Duty of, as to Commission Merchants and Auctioneers,	19

ASSESSMENT OF TAXES—For city, how made, (See Assessor,)	17
All persons shall render list of property subject to; to be returned by the first day of July; objections to, how made;	
Board of Aldermen to correct mistakes in,	18
Shall be made by Collector when not assessed,	29
AUCTIONEERS—How licensed, conditions, bond; to render account of sales to Assessor; penalty for failure to comply,	19
AWNINGS & SIGNS—To be not less than nine feet high,	58
BADGE—Slave shall have when licensed Porter; may be transferred,	69
BAGATELLE TABLE—To be Licensed,	21
Tax on, &c.,	75
BANK, FARO—Not to be exhibited,	46
BATHING ESTABLISHMENTS—Tax on, (See Water Rates,)	88
BATHING—In public spring prohibited; in public spring branch, when prohibited, (See misdemeanors,)	58
BAWDY HOUSES—Prohibited; Liabilities of owners or keepers; Character of, how shown,	20
BEHAVIOUR, GOOD—Bonds for, how given; bonds for, how given by free negroes,	65
BELLS—Market, how rung, (See market,)	52
City, how rung, (See Police,)	68
Fire and alarm, how rung, (See Police,)	67
BEGGARS & VAGRANTS—Who considered as; Police to arrest; how punished,	20
BILLIARD SALOONS—License to be obtained; Tax for; no gaming or disorderly conduct to be allowed in; minors not to play in; to be closed at midnight and on Sunday; duty of Police as to	21
BOARDING HOUSE—To be licensed; Penalty for permitting gaming or disorderly conduct in; duty of keeper,	84
Sunday ordinance does not apply to	77
BOARD OF MAYOR & ALDERMEN—How elected; Shall take oaths; who eligible for election; may fill vacancies in Board; meeting of, when held; meeting, fine for absence from;	22
Powers of, (See Charter,)	
Rules of,	13
BONDS—Officers of city to give, (See Officers,)	62
Form of official, (See Forms,)	42
For minors and slaves, how given,	65
Free negro shall give,	44
To keep the peace, &c., when required,	65
BOWLING SALOON, TEN PIN ALLEYS, &c.—To be licensed; License, how obtained,	22
No gaming or disorderly conduct allowed in; no spirituous liquors to be sold or given away in; minors not allowed to play in; to be closed at midnight and on Sunday; duty of Police concerning	28
BUGGY—Tax on, when kept for hire,	76

BROKERS —Tax on,	75
Cotton, tax on,	74
BUILDINGS —Wooden, not be erected on public square,	23
Chimneys to be of stone or brick; dangerous, how removed;	
dangerous, penalty on owner for refusing to remove,	24
BURYING GROUNDS —Burying ground established; all interments to be made therein; no interments to be made between sundown and daylight; Sexton, duties of,	24
Lots and Graves in, how laid off and selected; who entitled to; may be sold; proceeds of, how appropriated; penalty for nuisance or trespass in; injuring monuments, &c.; hitching horse, &c., to tree, &c.; riding or driving faster than a walk; for negroes, how protected from injury; under control of City Sexton,	25
BUTCHERS —See Market,	52
BY-LAWS —To be published,	63
Clerk shall keep record of	27
Of fire companies to be submitted to Mayor and Aldermen,	38
CALABOOSE —City Constable to keep; blacks and whites to be confined separately; who may be committed to; keeper of, duties of; may put prisoners in irons; fees of; pay of,	26
CANNON —Not to be fired without consent of Mayor,	37
CARDS —Not to be played for money, See Gaming,	46
Playing by negroes prohibited, See Slaves,	80
CARRIAGES —See Drays, &c.,	33
CARTS —See Drays, &c.,	33
CATTLE —See animals,	17
CELLARS —Not to remain uncovered; doors not to be left open,	58
Not to extend over pavement, See Nuisances,	59
CERTIFICATE —Of tax title to purchaser,	28
CHARTER —Index to Charter, see page	5 to 12
Of the city of Huntsville; style of corporation; may sue and be sued; may hold real and personal property; may establish seal; limits and boundaries established; Mayor and Aldermen; number of Aldermen; Mayor and Aldermen, how elected; qualification of voters; Aldermen to be elected by the citizens of their ward; certificate of election,	5
Oath of office; election of Mayor; vacancy, how filled; who eligible to the office of Mayor and Aldermen; quorum of the Board can do business; Mayor's powers and jurisdiction; right of appeal, how taken,	6
Officers of the Board, how appointed; term of office; oath of office; may be removed; must give bond; recovery on forfeited bond; city clerk and duties; Assessor, Collector and Treasurer, their duties and liabilities,	7
Constable—his duties, powers, rights and fees; additional compensation may be allowed Constable; when Constable is a party, process executed by another; powers of Mayor and Aldermen; to prevent and remove nuisances; to prevent the introduction of diseases; to erect Hospitals,	8

CHARTER—(Continued.)

To erect lamps; to provide night-watches and patrols; to erect and repair bridges; to construct drains and sewers; to establish fire-wards and fire companies; to regulate partition fences; to prevent disorderly meetings of slaves, free negroes or mulattoes; to prevent trading with slaves; to license and regulate theatrical and other exhibitions,	8
To impose and enforce fines, penalties, &c., for breach of by-laws and ordinances; to license and regulate Auctioneers, Commission Merchants and Billiard Tables; to prevent gambling; to regulate markets, &c.; to establish and regulate burying grounds; to cause all vagrants, disorderly persons, &c., to give security for good behavior and to indemnify corporation against any charge for support; if unable or refuse to give security to be confined to labor not exceeding four months; how labor designated and performed; repetition of offense to be dealt with as before; to establish primary schools,	9
To establish, open and regulate streets; how opened; damages to be assessed; to contract for loans to raise money; may levy taxes; taxes shall not exceed fifty cents on the \$100; poll tax; Board to prescribe the mode and time of collecting taxes; summary remedies against officers for delinquencies,	10
Exemption from road service; to construct a macadamized road; may have a toll gate; repealing section,	11
An act to amend the charter, passed 24th February, 1860; City of Huntsville; in case of the sickness or temporary absence of the Mayor, Aldermen may appoint one of their number to act as such; temporary absence from City or State, not to vacate,	12
CHICKENS, FIGHTING —Penalty for; betting on,	46
By Slaves, See Slaves,	80
CHILDREN —Bonds for, how given; fine against, how paid,	65
CHIMNEY —To be rock or brick,	24
When may be burned out; penalty for failure to clean,	36
CHURCHES —Penalty for disturbance in,	71
Not taxable,	74
CIGAR SHOPS —Tax on,	75
CIRCUS —(See Shows, &c.) how licensed and exhibited,	75
Not permitted on Sunday,	77
Police to attend,	78
CISTERNS & WELLS —Not to be injured, See misdemeanors,	57
Penalty for leaving open, See misdemeanors,	58
CITY CODE —Adopted,	91
CITY PROPERTY —Not to be injured, See misdemeanors,	57
CLERK OF CITY —How elected, oath, See officers, &c.,	62
Bond,	28 & 62
Duties of,	27
Pay of; penalty for neglect of duty,	28

CLERK OF CITY—(Continued.)	
Fine for absence from meeting of Board,	28
To keep register of licenses issued for drays, &c.; fee for issuing,	33
To issue permits for use of water; to keep record of permits for use of water,	88
To publish notice concerning assessment,	18
COFFEE-HOUSE—To be licensed; duties of keeper,	84
COLLECTOR OF TAXES—How elected; Bond,	62
Pay,	29
Duties of,	28
Accountable for whole of taxes and rates; how released; to pay collections to city Clerk; to make monthly reports to Board; to assess property not already assessed; fees for; penalty for neglect of duty, &c.,	29
To collect water rates,	88
COMMISSION MERCHANTS—To pay tax on sales,	74
To render account of sales under oath; Assessor to report failure—penalty for,	19
COMMITMENT—Form of,	42
When may be made by Aldermen,	66
When may be made by Police,	67
CONCERT—Shall be licensed,	75
CONDEMNATION OF REAL ESTATE—How made,	29
Proceedings of Board concerning,	29 & 30
Survey to be made,	29
Executive Committee to confer with owner; when jury appointed to assess damages; value of land, how assessed; value of buildings, &c., how assessed; Jury to determine exact sum to be paid to each owner,	30
CONFECTIONERS—See "Hucksters."	50
CONSTABLE—How elected; bond and oath,	62
Pay and,	31
Duties of,	30 & 31
To act as chief of Police—market master—city sexton—keeper of the Calaboose and keeper of the powder magazine; powers, fees and liabilities; may summon bystanders to his assistance,	31
CONTAGIOUS DISEASES—See "Diseases,"	32
CONTEMPT—To Mayor and Board, how punished,	64
To Mayor's Court, how punished,	64
CONTRACT—No person to, with slave,	79
CORPORATION—Included in person,	90
CORPORATE POWERS—See City Charter, passim,	
COSTS—Convicts to pay,	64
COTTON—Not to be deposited on side-walk, streets, &c.,	59
COURT, MAYOR'S—Powers of, &c.,	55
CRACKER, FIRE—Not to be fired,	37
CRUELTY—To animals, how punished,	17
DAY POLICE—See "Police,"	66
DEATHS, REGISTER OF—Sexton shall keep,	24

DECEASED PERSONS—To be buried only in the burying-ground,	24
DELINQUENTS—For fines, &c., how dealt with,	64
In fence disputes, how dealt with,	35
In nuisances, “ “ “	60
Tax payers, “ “ “	28
DIORAMA—Shall be licensed,	77
DIRT—Not to be excavated from street (see misdemeanors,)	58
DISCOUNTING, &c—Tax on money employed in,	75
DISEASES, INFECTIOUS OR CONTAGIOUS—Duty of Mayor or to prevent; examination of person having; person having, may be removed from city; Physicians to report cases to Mayor,	32
DISORDERLY CONDUCT—Penalty for, (see misdemeanors,)	57
Penalty for allowing in taverns, &c.,	34
In church, &c.,	77
Duty of Mayor as to; Aldermen; Police,	66
Penalty for at shows, &c.,	78
DISORDERLY HOUSES—Penalty for keeping or allowing;	
Duties of Police, concerning,	58
Liabilities of owners and keepers of	20
DRAINS—How made,	81 & 82
DRAYS, CARTS, WAGONS, &c—To be licensed; clerk to register; fee for issuing license; tax upon; license to continue for one year; required to carry passengers, &c.; when excused from carrying; to be numbered; penalty for failure to obtain license,	33
DRIVING—Fast, prohibited, and riding; on pavements or gutters, prohibited, (see misdemeanors,)	58
DRUNK—Persons in streets, how punished,	57
Persons in streets Police to arrest,	67
EATING HOUSE—(See Taverns, &c.)	
ENFORCEMENT OF ORDINANCES—Persons failing to pay fines, &c., to be compelled to labor on streets; allowance to be made for each day's labor; charge for board, &c.; to be lodged in the calaboose,	64
ESCAPE—Attempt to, how punished,	64
EXCAVATIONS—Not to remain open, (See misdemeanors,)	58
EXHIBITIONS—See “Shows, Exhibitions, &c.”	
EXECUTIONS—Form of,	40
EXPENDITURES—Account of, shall be kept by city clerk,	27
EXPOSURE—Indecent of person, how punished,	57
EXTENSION—Of Streets, how made,	81
FARO BANK—Penalty for keeping or allowing, (See Gaming,)	46
FEES—Of Officers, how collected; Clerk,	34
Of Mayor; Constable,	35
Of Collector,	29
Of Sexton,	25
Of keeper of Calaboose,	26
“ “ “ Powder Magazine,	47

FENCES—Partition, how erected and repaired; parties interested to share cost; when one party may erect or repair,	35
Not to be injured, (See misdemeanors,)	57
FIGHTING—A misdemeanor,	58
FILTH—Not to be left on premises or in streets, &c.,	60
Not to be thrown in streets,	83
FINES, FORFEITURES & PENALTIES—Shall be for benefit of city; how enforced; determined by Mayor; convicts may be condemned to work out; to apply to every act, &c.; when not expressly provided for, how punished,	64
When imposed on minor, parent may pay; when slave to be punished, owner may pay; not affected by repeal of ordinance,	65
Clerk to keep account of	27
FIRE—Combustibles, how burned; when chimneys may be burned out; chimney—penalty for failure to clean; stoves, furnaces, &c., to be removed, if dangerous; no unprotected candle or lamp to be carried into any stable, &c.;	36
No ashes, &c., to be kept in wooden box, &c.; straw, hay, &c., to be protected,	37
FIRE-ARMS & FIRE-WORKS—No fire-works permitted without consent of Mayor; no fire-arms or fire-works to be discharged or let off; no fire-works to be sold to slaves, minors under twelve years of age, or free negroes,	37
FIRE DEPARTMENT—Engines to belong to the city,	37
Mayor the head of,	38
Fire companies may be established; fire companies to consist of,	37
Fines of, how collected; duties of officers of; repairs, how made; company to keep apparatus in order; duties of company in case of fire; engine not to be moved except by members; penalty for injuring,	38
Persons attending fires to assist firemen; firemen exempt from taxes,	39
FORMS OF PROCESS, &c.—Of Summons; of Warrant,	39
Of Subpœna; of Execution; of Execution for fines, &c.;	40
Of Bail bond for offense against laws of the State; of Bond to keep the peace and the ordinances of the city; of recognition for witness,	41
Of commitment; of official bond for city officers,	42
Of official oath for city officers; of verdict assessing damages for opening or extending a street,	43
FREE NEGROES—What free negroes not allowed to live in city,	43
To register annually; removing to city, must register and give bond; when not registered, to be considered as runaways; not to allow slaves on their premises without permission; not to sell or give liquor to, nor bet or game with any slave,	44
Not to go at large at night without pass; poll tax on; penalty for being without visible means of support; penalty for having or carrying weapons,	45

FURNITURE—Injury to, how punished, (See misdemeanors.)	51
GAMES—And tricks to defraud, how punished,	58
GAMING—Tables prohibited; penalty for allowing; in public places, hotels, &c., penalty for; with minors prohibited;	
penalty for allowing minors to game,	46
By free negroes, how punished,	44
By slaves, how punished,	80
GAS WORKS—Injury to, how punished, (See misdemeanors.)	57
GRAVES—How dug,	24
Place for, how procured, (See Burying Ground.)	25.
GROCERS—Tax for license,	74
GUNS, PISTOLS, &c.—Not to be discharged in city,	37
GUNPOWDER—See “Magazine Powder.”	
How kept in city; no manufactory of allowed; when deposited in Magazine to be marked,	47
How transported in city; penalty for receiving clandestinely,	48
HACKS—See “Drays, Carts,” &c.,	33
HAWKERS & PEDDLERS—Shall obtain license; except for articles manufactured in this State,	48
HOGS—Tax on all found at large; penalty for allowing slave to own,	49
HOOK & LADDER—Companies, see Fire Department,	
HORSES & MULES—Not to be hitched to tree or fence in city,	58
Not to be hitched to tree or fence in burying ground,	25
Not to be galloped or run in city; not to run at large when going to water; unlawful to break in city; unlawful to exercise unruly; unlawful to drive unruly fast; unlawful to exhibit any stallion, &c.,	49
HOSE—Companies—see Fire Department,	
HOSPITAL—How established and kept; Mayor and Aldermen may visit,	50
HOURS—Police to ring bell at what,	68
Market,	53
HOUSES—Slaughter, prohibited—see Nuisances,	60
To be removed if dangerous,	24
Injury to—see misdemeanors,	57
HUCKSTERS, CONFECTIONERS, &c—Who considered; shall be licensed; tax for license,	50
License, how transferred; to close shops on Sunday; penalty for failure to obtain license; not to permit slaves or free negroes to congregate in shops,	51
HYDRANTS—Not to be injured—see misdemeanors,	57
ICE HOUSES—Sunday ordinance does not apply to,	77
INDECENT CONDUCT—Forbidden—see misdemeanors,	57
INFECTIOUS DISEASES—See Diseases,	32
INJURY—Malicious to property, a misdemeanor,	57
INSURRECTION & RIOTS—Duty of Mayor in case of,	56
INTERMENTS—See “Burying Ground.”	
JURORS—In condemning real estate,	30
In opening streets, &c.,	82
KITES—Flying, prohibited,	58

LABOR—On streets, &c., who condemned to,	64
Prohibited on Sunday,	76
LAMPS—On streets, penalty for injuring,	57
When to be kept on obstructions in streets,	60
LICENSES—See “Revenue”—all issued by clerk,	76
Penalty for trading, &c., without,	76
What goods, &c., sold without,	74
Clerk to receive tax for,	27
Clerk to receive fee for issuing,	34
LIQUORS—(See “Retailing Liquors,”) not to be retailed with- out license	70
Not to be drank on premises without license; not to be sold to minor or intoxicated person; not to be sold to slave; ne- groes not to be employed about, unless under control of white person; negroes not to be in or about house, where sold,	72
Not to sell impure or adulterated; all persons interested in, to be liable for offences,	73
LIVERY STABLE—(See “Drays,” &c., and “Revenue;”) shall be licensed; tax upon vehicles; bill of prices to be posted up; penalty for overcharge,	51
LOTS—In burying ground, how disposed of,	25
Vacant, nuisance not permitted on; vacant, water not to stand on,	60
MAGAZINE, POWDER—Established—see gunpowder—keep- er of, Constable to be; to give bond, &c.; duties of; fees of; penalty for neglect of duty,	47
MALICIOUS INJURY—To property, a misdemeanor,	57
MARKET & MARKET HOUSE—Market master, Constable to act as; duties of; Stalls in, how rented; rent of,	52
not to be re-let; Stalls in, how lease, sold or transferred; market days and hours; no meats, &c., to be sold during market hours, except at market house; none but renters of stalls to retail meats; no person shall buy to resell; no combinations to effect price, &c.; no vehicles to stand a- bout market house; no animals, filth, &c., allowed in mar- ket house,	53
No unsound meat, &c., shall be offered; renters of stalls to retail as desired; meat not to remain in stall in summer; meat not to be hung so as to stain walls, &c.; lessee to clean stall, &c., daily; ordinance to be posted up; penalty for violating ordinance,	54
MAYOR—Powers and duties of; powers and duties of as Justice of the Peace; exclusive jurisdiction under city ordinances; shall issue all necessary process; shall try cases without de- lay; how penalty fixed,	55
To preside at board; to call meetings of board; to sign contracts; to make statements and communications to board; may suspend officers; may fill vacancies; may inspect books of officers; may require information of officers; shall inspect all works done for city; may direct officers of city,	56

MAYOR—(Continued.)	
shall suppress riots and insurrections; may call out military,	56
May issue License to Retail,	70
May permit Fireworks, &c.,	36
May give pass to free negro,	45
May permit assemblage of slaves,	80
Shall issue execution for unpaid taxes,	28
Duty of, as to nuisance,	61
Pro tem. how appointed,	57
Head of Police, duties as,	65
Head of Fire Department, duties as,	37
MERCHANTS—Who considered as,	76
Tax for License,	74
MEXICAN BALL GAME, &c.—Playing at prohibited,	58
MINORS—See "Children."	
MISDEMEANOR—What constitutes; acts considered as,	57
Ordinance concerning not to interfere with special ordinances; penalty for committing,	59
MULATTO—Included in negro,	91
MUNICIPAL—Year commences; year commences for terms of office,	91
MUSICAL PERFORMANCES—On street, how taxed,	77
NEGRO—Meaning of, in Code,	91
Tax on all offered for sale,	81
See "Free Negroes" and "Slaves,"	
NEGRO TRADER—Shall pay for License,	75
NIGHT POLICE—(See "Police;") duties of,	68
NOTICES—To pay taxes, how given; of sales of property for taxes,	28
To make objections to assessment,	18
NUISANCE—What constitutes; penalty for creating; not to place obstructions in street, &c.; not to cut wood, &c., on side-walk; not to ride or drive on side-walk; not to erect steps or cellar door on side-walk,	59
Infected articles not to be brought into city; dead animals, filth, &c., to be removed; notice of, to be given to police; no slaughter house; not to allow water to stagnate in excavation; penalty for stable, privy, &c., when; not to allow water to injure streets, &c.; penalty for each day it remains; on property of non-resident, how abated,	60
Expense of, how paid; duty of police to remove; duty of police to report persons allowing; when Mayor may allow time for abatement; when to be abated immediately; when jury summoned to determine; jury on, how composed and summoned; notice of trial to owner of property; witnesses, how summoned; Constable to remove; Constable may summon aid to remove; costs of jury, &c., how paid; pay of jury,	61
OATH—Mayor and Aldermen to take, (see Charter sec. 3.)	6
Officers to take,	62
Of Officers, form of; of Officers to be recorded,	43
OBSCENE—Language and conduct, how punished,	57

OBSCENE—(Continued.)	
Prints, books, &c., penalty for exhibiting, &c.,	58
OBSTRUCTION—In streets, prohibited—see nuisances,	59
OFFICERS—Which elected by people—see Charter, sec. 3,	5
Which elected by Board—see officers; continuance in office; to take oath and give bond; bond of, amount of; not to be security on official bonds; books of, may be examined by Mayor or Aldermen,	62
To preserve books, &c., and deliver to successors; to make monthly reports to Board; not to trade in city bonds, &c.; not to buy property sold for taxes; not to receive rewards for discharge of duty; how removed from office; neglect of duty, extortion, &c., how punished,	63
Mayor may suspend; Mayor may fill vacancies,	56
Penalty for resisting,	58
OMNIBUS—See "Drays, Carts, &c.,"	
ORDINANCES—To be published,	64
Record of, to be kept by Clerk,	27
Violations of, tried by Mayor,	55
How enforced; construction of; election of by Mayor, when to be made,	64
Persons violating, &c., to give bond; repeal of, does not affect matters pending,	65
PAINTINGS—Exhibitions of, to be licensed,	77
Obscene, prohibited,	58
PANORAMA—To be Licensed,	77
PAVEMENTS & SIDE-WALKS—No earth, stone, &c., to be removed from; no excavation to be made in,	58
Obstructions on,	59
Driving or riding on, forbidden; signs, awnings, &c., to be nine feet above,	58
Cellar doors not to extend over,	59
PAUPERS—How buried; fees of sexton for burying,	25
PEACE BOND—When required,	65
PEDDLING—See "Hawkers and Peddlers."	
PENALTIES—To be for benefit of city; how enforced; when not specially provided,	64
How paid when imposed on minor or slave; not affected by repeal of ordinance,	65
PERMIT—For assemblages of negroes, Mayor may grant,	80
PIPES—Water, not to be injured,	86
Gas, not to be injured,	57
PISTOL—Not to be discharged,	37
POLICE—How elected; oath,	62
Bond of,	69
Mayor, head of; duties of,	65
Duties of Aldermen; constable, chief of; duties of, chief of; penalty for neglect of duty, &c.; duties of members of,	66
To arrest disorderly and drunken persons, &c.; to arrest persons violating ordinances, &c.; to arrest negroes at large at night; to prevent unlicensed groceries,	67

POLICE—(Continued.)

to watch retailers of liquor; to serve all process, &c.; to have authority and powers of Constables; may enter house without warrant; duty of, in case of fire; may summon bystanders to assist; penalty for resisting, &c.; penalty for escaping or rescuing from; penalty for personating,	67
How substitute appointed; when appointed temporarily; number of, how increased or diminished; penalty for neglect, injustice, &c.; pay of; duties of-day; duties of night; daily reports of; what to contain,	68
To arrest offenders against ordinance on retailing liquors,	73
Duty of, at shows, &c.; fees of, at shows,	78
To disperse unlawful assemblies of negroes,	80
Not to receive fees as witness; fee for making arrest,	90
Duty of, as to billiard saloons, &c.,	21
Duty of, as to bowling saloons, &c.,	23
POLL TAX—Rate of,	76
Members of fire department exempt,	39
On free negroes,	45
PORTERS—Slaves not to work as, without license; penalty on master for allowing; license for, how obtained; badge for, how obtained; license for, how transferred; badge of, how worn; to work when desired,	69
Penalty for refusing to work; when they may stand about square, &c.,	70
POWDER—See "Gun Powder,"	47
PRISONERS—To have proper food, care, &c.; black and white to be confined separately; who may be committed to Calaboose; may be put in irons; fees to be paid by,	26
PRIVIES—See "Nuisances,"	60
PRODUCE—Tax on persons buying and selling,	74
PROPERTY—Includes real and personal; real; personal,	91
How taxed,	73
Penalty for injuring,	57
PROSTITUTES—How punished,	20
PUBLICATION—Of ordinances, &c., to be made before in force,	63
QUARRELING & FIGHTING—A misdemeanor,	58
RECORDS—Of Board of Aldermen kept by Clerk; of ordinances, by-laws, &c., kept by clerk,	27
Of Free Negroes,	44
RECOGNIZANCE—To appear for State offense, form of; of witness, form of,	41
REDEMPTION—Of property sold for taxes,	28
REGISTER—See "Record."	
RELIGIOUS WORSHIP—Penalty for disturbing,	77
How slaves may assemble for,	80
RENT—Of stalls in market,	52
REPAIRS—Of streets, how made,	84
Of private streets,	81
City carts, &c., how made,	16
Fire Engines, &c., how made,	38

RESERVOIR—Injury to, how punished,	86
RESOLUTIONS—Of Board to be published,	63
Record of, to be kept by clerk,	27
RESTAURANT—(See Taverns, &c.)	
RETAILING LIQUORS—Shall be licensed; license, how obtained; license, bond and oath of applicant for; tax for,	70
Not granted to free negro; to be for one year; applicant for may appeal to Board from decision of Mayor; to specify person and place; not transferable; bond of applicant, how conditioned; oath of applicant, how conditioned; penalty for evasions of ordinance,	71
Exceptions in favor of Druggists; not to allow liquor to be drank on premises without license; not to sell liquor to minors, drunkards, &c.; persons having license to sell ale, &c., not to retail liquors; to slave forbidden; to slave evidence of; negroes not to be employed in store, &c.; negroes not to be in or about store, &c.,	72
Facts necessary for defendant to prove in prosecutions under this ordinance; penalty for selling adulterated liquor; all persons having interest in liquor liable for offenses under this ordinance; half of fine to go to informer; police to arrest offenders,	73
REVENUE—Annual tax to be fixed by board,	73
What property taxable; what property exempt; taxes on privileges, for licenses, &c.,	74
Poll tax on whites,	76
Poll tax on free negroes,	44
Street tax,	76
What goods, &c., may be sold without license,	74
RIDING FAST—See Driving.	
RIOT & RIOTOUS CONDUCT—Duty of Mayor,	57
Duty of Aldermen,	17
Duty of Police,	66
Penalty for creating,	57
ROCKETS—See "Fire Works."	37
ROPE DANCING—See "Shows, Exhibitions," &c.,	77
RULES—Of the Board of Aldermen,	13
RUNAWAY—Defined,	79
When persons claiming to be free are considered as,	44
Penalty for harboring,	79
SABBATH—No labor to be done on; works of necessity, &c., excepted; duration of; no store, shop, &c., to be kept open on	76
No goods sold or given away, &c.; hotels, boarding houses and apothecaries excepted; barbers may keep open until noon; no goods to be purchased, except necessaries; no sports or games; no place of amusement to be open; no carts, wagons, &c., to be loaded or unloaded; no horses, cattle, &c., to be driven through streets, except; public worship not to be disturbed; ordinance does not apply to railroad trains, ice houses, livery stables, milk carts and gas works,	77
SALARIES OF OFFICERS—See different officers.	

SEXTON—See “Burying Ground;” duties of	24
Fees of; to give certificate to purchaser of lot, &c.; to bury paupers, fee for; to have control of negro burying ground; penalty for neglect of duty,	25
SHOWS & EXHIBITIONS—For money, to be licensed,	77
Amateur concerts, &c., excepted; penalty for permitting on premises, without license; Mayor or Constable to appoint Policeman to attend; Policeman attending, pay of; penalty for failure to employ policeman; duty of policeman at; penalty for disorderly conduct at; tax for license; tax for license when two are united; when considered united,	78
Penalty for exhibiting on Sunday,	77
SHRUBBERY—See “Trees.”	
SIDE-WALKS—See “Pavements,”	58
SIGN-BOARDS—With name of street to be at corner,	82
How erected over side-walk; not to be injured,	58
SLAUGHTER HOUSES & PENS—Prohibited,	60
SLAVES—Not to be at large at night; When deemed runaways; penalty for harboring runaways; not to rent house, &c.; not to sleep off master’s premises; not to hire their own time nor other slaves; penalty on owner allowing to hire, &c.; penalty for renting house, &c., to; penalty for contracting with; penalty for combining with to evade laws,	79
Not to assemble without permission of Mayor; how may assemble for religious worship; unlawful assemblies of, police to disperse; not to use insolent language, or carry weapons, or commit trespass, &c.; no person shall buy from, or sell to without permission of master; not to enter groceries, hotels, &c., without permission; not to fight chickens, game, bet, or resist officers; shall not huckster eggs, fruit, &c.,	80
Exhibited for sale, to be registered; exhibited for sale, tax on; master to be notified of arrest and trial of; master to pay for whipping of,	81
Injuries, &c., to water-works, how punished,	86
Not to act as porters without license,	69
SODA FOUNTS—See “Hucksters,”	50
STABLES—See “Nuisances,”	60
STALLS—In market house, (see “market and market house,”)	52
STATUARY—Exhibitions of to be Licensed,	77
STEPS—Not to extend over pavement,	59
STREETS, ALLEYS & AVENUES—How opened, widened, &c.; owner of private, to keep in order; extended, &c., on application of property owners,	81
Notice of application to be published; cost of extension, how ascertained; extension of, duty of Mayor; extension of, jury to assess damages for; appeal from verdict of; extension of, damages for, collected; extension of, &c., property owners may do work; how established by Board; name of, to be on corners; building not to encroach on,	82
Penalty for removing signs; not to remove marks or lines of; not to obstruct or injure, &c.,	80

STREETS, ALLEYS & AVENUES ---(Continued.)	
No erections over, less than nine feet high,	58
Nuisances to be removed from,	60
No earth, stone, &c., to be removed from,	58
Who condemned to labor on,	64
STREETS, SUPERINTENDENT OF ---How elected,	62
Duties of	83
Pay of; penalty for neglect, &c.,	84
SUMMONS ---Form of,	39
SUNDAY ---See "Sabbath,"	76
SUSPECTED, PERSON ---Duty of Police as to,	67
TABLE ---Gaming, prohibited,	46
Billiard, Jenny Lind, &c., (see "Billiard Saloon,")	21
TAVERNS, HOTELS, BOARDING HOUSES, &c. ---To be Licensed; duties of keeper of; no disorderly conduct, or gaming in,	84
Penalty for allowing gaming in,	46
TAXES ---See "Revenue."	
Property subject to,	74
Assessor of, (see "Assessor;") tax list,	17
Assessment of, how made and returned,	18
Assessment of, when completed,	18
Poll tax,	76
Poll tax, firemen exempt from,	39
Poll tax on free negroes,	44
All persons to render list of property subject to,	18
Sales for, how made,	28
Articles exempt from,	74
TAX COLLECTOR ---See "Collector,"	28
TEAMS ---Not to stand in street unhitched,	58
TEN PIN ALLEY ---See "Bowling Saloon,"	22
THEATRE & THEATRICAL EXHIBITIONS ---See "Shows and Exhibitions,"	77
THROWING ---Articles not to be thrown from roof, &c.,	58
TRADE ---License for,	76
TREASURER ---How elected; bond and oath of,	62
Pay of; duties of	85
TREES, SHRUBBERY, &c. ---Not to be injured,	57
Horses not to be tied to, see misdemeanors,	58
TRICKS ---To defraud, how punished,	58
VACANCIES ---In offices, how filled: in offices, Mayor to fill,	56
VACANT LOTS ---Nuisance not permitted on,	60
Water not permitted to stand on,	60
VAGRANTS ---See "Beggars,"	20
VEGETABLES ---Peddling of, when prohibited,	53
Damaged, penalty for selling,	54
VICIOUS ANIMALS ---Not to go at large, &c.,	58
WAGONS ---See "Drays," &c.,	33
WALLS ---To be removed if dangerous,	24
Not to be injured,	57
WARDS ---City divided into: how bounded and designated,	86

WARDS---(Continued.)	
Board may change,	86
WARRANTS—Form of	39
WATER—Standing, how drained,	81
WATER RATES—Tax Collector to collect,	88
Execution to issue for,	89
WATER WORKS—Penalty for injuring,	86
Persons desiring to use water from, must obtain a permit :	
penalty for using water from, without permit : water to be	
used for specified purposes : water not to be sold or wasted :	
water may be used at fires, &c. : connections with, how made :	
Constable to examine hydrants : penalty for allowing, to be	
out of repair : offences of slaves, how punished,	87
Permits, clerk to keep record of : delinquent tax payers,	
how punished,	88
WEAPON—Penalty for carrying concealed,	58
Penalty for carrying by slave,	80
Free negro, how punished, for having or carrying	45
WEIGHER, CITY—How elected : Bond,	62
Duties of : fees of : to report persons using false weights,	
&c. : to keep record and make reports : pay of : penalty for	
neglect, &c.,	89
WEIGHTS & MEASURES—Persons using false, how reported	
and punished,	89
Duty of Market Master as to,	52
WELLS—Injury to, how punished,	57
Not to be left open,	58
WITNESSES—Clerk to issue subpoena for : Police to serve sub-	
poena for : penalty for non-attendance : fees of : fees of, how	
paid : Officers of city not to receive fees as,	90
Subpoena for, form of,	40
Recognizance of, form of,	41
WOOD—Not to be left in street or side-walk,	59
WOODEN BUILDINGS—See "Buildings,"	28
WORK—For city, how inspected, (see Mayor,)	56
WORSHIP, RELIGIOUS—Penalty for disturbing,	77
WRITING—Includes printing,	90

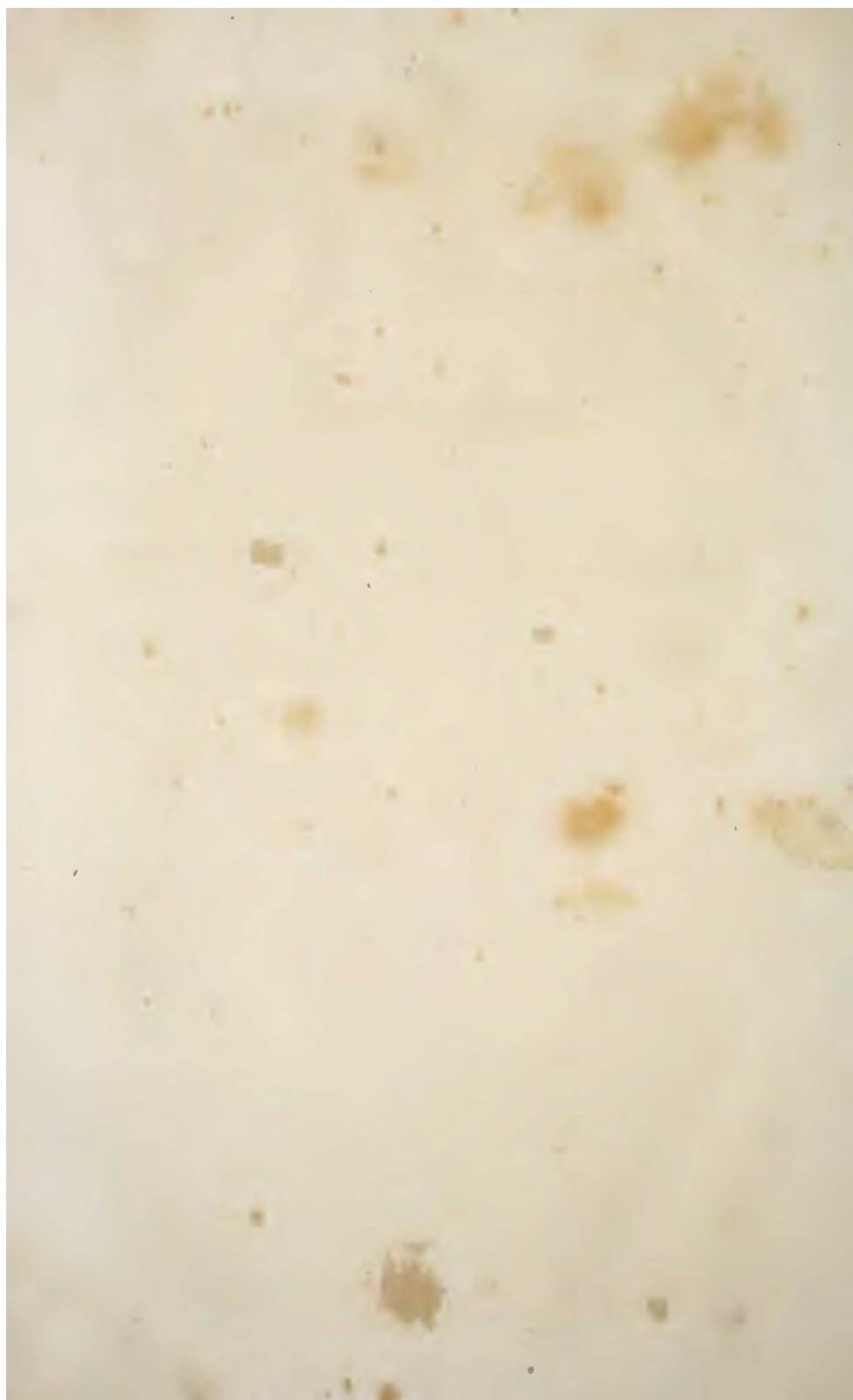
ERRATA:

On page 52, sec. 2, 3rd line, "market house" should be market hours.

On page 58, in 12th line, No, 10, "keeping a game house," should be keeping a gaming house, &c.













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