

ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA,
AT ITS
TWENTY-FOURTH REGULAR SESSION,

Commencing January 11th, 1899.



CHARLESTON:
PRESS BUTLER PRINTING CO.,
1899.

(House Bill No. 26.)

CHAPTER 3.

AN ACT to amend and re-enact section four of chapter one hundred and forty-five of the Code.

[Passed February 16, 1899. In effect 90 days from passage. Approved February 20, 1899.]

Be it enacted by the Legislature of West Virginia:

Code.
Chapter 145,
section 4,
amended.

That section four, of chapter one hundred and forty-five, of the Code of West Virginia, be amended and re-enacted so as to read as follows:

Burning cer-
tain build-
ings: penalty
for.

4. If a person maliciously burn any meeting house, court house, town house, college, academy, or other building erected or used for public purposes, (except a jail or prison), or any banking-house, warehouse, store-house, manufactory or mill, of another person, not usually occupied by persons lodging therein at night, or if he maliciously set fire to anything, by the burning whereof any building mentioned in this section shall be burnt, he shall be confined in the penitentiary, when such building with the property therein is of the value of one thousand dollars, not less than three nor more than ten years; and when it is of less value, not less than three nor more than five years.

Grade of pun-
ishment ac-
cording to
value.

(House Bill No. 109.)

CHAPTER 4.

AN ACT to amend and re-enact and to reduce into one Act, the several Acts incorporating the town of Sistersville, in the county of Tyler; defining the powers thereof, and describing the limits of said town; and incorporating the city of Sistersville, in said Tyler county.

[Passed February 16, 1899. Effect from passage. Approved February 20, 1899.]

Be it enacted by the Legislature of West Virginia:

City of Sisters-
ville incorpo-
rated.

1. That the inhabitants of so much of the county of Tyler as is within the bounds prescribed by section

two of this Act, and their successors, shall be and remain, and they are hereby made, a body politic and corporate, by the name of "The City of Sistersville," and as such shall have perpetual succession and a common seal, and by that name may sue and be sued, plead and be impleaded, purchase, lease and hold, real estate, personal property, necessary to the purpose of said corporation. Powers and liabilities.

2. The corporate limits of said city shall hereafter be as follows: Beginning at a point in the Ohio river, at low water mark, at the mouth of Forsyth's run, thence up said run, with meanders thereof, 61.5 rods to a rock below falls; thence south two degrees east, 73.3 rods to a stone in line between Shay and Woods; thence south 37 degrees and 55 minutes west, 82.6 rods to a stone in the line between McCoy heirs and J. B. McCoy; thence with said line north 48 degree and 16 minutes west, 28 rods to a stone; thence south 42 degrees and 4 minutes west, 93.2 rods to a stone; thence north 33 degrees and 11 minutes west, to the Ohio river, at low water mark; thence up said river with the meanders thereof to the place of beginning. Boundaries

3. The territory of said city shall be divided as follows: Wards.

First ward:—Beginning at a point where the center of Charles street intersects the Ohio river at low water mark, thence south-east along the center of Charles street to the easterly line of said city of Sistersville; thence south 42 degrees and 4 minutes west, to a stone, being the stone at the south-easterly corner of said city of Sistersville; thence south 33 degrees and 11 minutes west, to the Ohio river, at low water mark; thence up the Ohio river with the meanders thereof to the place of beginning; First ward; boundaries.

Second ward:—Beginning at a point where the center of Wells street intersects the center of Charles street, thence westerly along the center of Charles street to the Ohio river at low water mark; thence up the Ohio river with the meanders thereof, to a point where the center of Hill street intersects the Ohio river, at low water mark; thence up the center of Hill street north-easterly to where the center of Wells street intersects the center of Hill street; thence southerly along the center of Wells street to the center of Charles street, the place of beginning; Second ward; boundaries.

Third ward:—Beginning at a point where the center of Well street intersects the center of Hill street, Third ward; boundaries.

thence easterly along the center of Hill street and the continuation thereof to Slaughter House run, and up Slaughter House run on the southerly sidethereof, to the easterly line of said city of Sistersville; thence south 37 degrees and 55 minutes west, to a stone; thence north 48 degrees and 16 minutes west, 28 poles to a stone; thence south 42 degrees and 4 minutes west, to the center of Charles street; thence westerly along the line of the center of Charles street to a point where the center of Wells street intersects the center of Charles street; thence up Wells street and along the center thereof to the center of Hill street, the place of beginning;

Fourth ward:
boundaries.

Fourth ward:—Beginning at a point where the center of Hill street intersects the Ohio river, at low water mark, thence up the Ohio river with the meanders thereof to a point, at low water mark, in the middle of the mouth of Forsyth's run; thence along said run with the meanders thereof 61.5 rods to a rock below falls; thence south 2 degrees east, 73.3 rods to a stone in the line between Shay and Woods; thence south 37 degrees and 55 minutes west, to the southerly bank of Slaughter House run; thence down Slaughter House run on the southerly side thereof and with the meanders thereof to the extension of Hill street; thence down the center of Hill street to the Ohio river, at low water mark, the place of beginning.

Council may
change
wards.

The number and boundaries of wards of said city may be changed by the council thereof.

Council: how
formed; com-
pensation.

4. The municipal authorities of said city shall consist of a mayor and eight councilmen, who together shall form a common council, and who shall receive such compensation as the council shall from time to time determine, and which shall not be increased or diminished during their term of office.

Corporate
powers to be
exercised, by
whom.

5. All the corporate powers of said corporation shall be exercised by said council or under their authority, except when otherwise provided.

Qualification
of officers.

6. The mayor, assessor and councilmen, at the time of their election, shall be freeholders in said city, and be entitled to vote for the member of the common council of said city, as residents and legal voters therein.

Officers.

7. There shall be a chief of police, city attorney, superintendent of streets, commissioner of water

works, city physician, assessor, three auditors, city collector and treasurer, city surveyor, and city clerk, of said city: who at the time of their election or appointment shall be entitled to vote for the members of its common council. The city attorney, city physician and city surveyor, shall be appointed by the common council, to hold their respective offices for the term of one year from the first Monday in April, or until their successors shall have been appointed and qualified.

Officers appointed: term of office.

8. On the fourth Thursday in March, one thousand eight hundred and ninety-nine, and on said day of each succeeding year there shall be elected by the qualified voters of said city a mayor, city collector and treasurer, assessor, three auditors, and city clerk, who shall hold their respective offices for one year and until their successors shall be elected and qualified.

Election: when held: term of office.

9. On the same day first mentioned in the preceding section, two members of the council shall be elected in each ward in said city, who shall reside in the ward for which they are elected; and the candidate receiving the highest number of votes shall be elected for two years, from the first Monday in April succeeding his election, and the candidate receiving the next highest number of votes, shall be elected for one year from the first Monday in April succeeding his election; and on the same day of each succeeding year, one member of the council shall be elected in each ward in the said city, whose term of office shall be two years from the first Monday in April succeeding his election, and until his successor shall be elected and qualified.

Councilmen: who eligible: how elected.

Annual election: when held.

Each ward shall constitute an election precinct, and the council shall establish a voting place in each, and the election of councilmen shall be by wards. No voter shall be entitled to vote at any city election, except in the ward in which he resides; and if any voter shall vote for any person for councilman, who is not a resident of the ward in which he is voted for, such vote or votes shall not be counted for such person or persons.

Councilmen to be elected by wards.

Who to vote.

10. Every male person residing in said city, shall be entitled to vote for all officers elected under this act; but no person who is a minor or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of this State for one year, and of

Who entitled to vote.

Number of auditors to be voted for.	the city of Sistersville for six months, and is a <i>bona fide</i> resident of the ward in which he offers to vote; and each voter shall be entitled to vote for only two auditors.
Mode of voting.	11. In all elections by the people the mode of voting shall be by ballot; but the voter shall be left free to vote by open, sealed or secret ballot, as he may elect.
Election: how held and conducted.	The election in said city shall be held and conducted and the result thereof certified, returned and finally determined, under the laws in force in this State, relating to general elections, on the tenth day of March, eighteen hundred and ninety-one. The corporate authorities of said city shall perform the duties in relation to such election required by general law of county courts and officers on March tenth, eighteen hundred and ninety-one, and the provisions of chapter three of the Code of West Virginia in effect on that date, concerning elections by the people, shall govern such election, and be applicable thereto; and the penalties therein prescribed for offenders relating to elections, shall be enforced against the offenders at such corporate elections; and said act shall have the same force and effect as if it were specially applicable to such corporate elections.
Duties of corporate authorities.	
Elections: how governed	
Tie vote; how decided.	12. Whenever two or more persons shall receive an equal number of votes for councilman or other city officer, such tie shall be decided by the council in being.
Contests; how decided.	13. All contested elections shall be heard and decided by the common council for the time being; and the contest shall be made and conducted in the same manner as provided for in contest for county and district officers; and the common council shall conduct their proceedings in such cases, as nearly as practicable, in conformity with proceedings of the county court in such cases.
Vacancy; how filled.	14. Whenever a vacancy shall occur, from any cause, in the office of mayor, councilman, city collector and treasurer, chief of police, superintendent of streets, commissioner of water works, the council for the time being, shall, by a vote of the majority of those present, fill the vacancy until the next election, at which time a successor to fill the unexpired term of such office, shall be elected by the people, or be appointed by the council.

15. The chief of police, superintendent of streets, commissioner of water works, city attorney, city physician, and city surveyor, shall be appointed by the council.

Appointive officers.

The council shall also have authority to provide by ordinance for the appointment of such other officers as shall be necessary and proper to carry into full force any authority, power, capacity or jurisdiction, which is or shall be vested in the said city, or in the council, or in the mayor, or any officer or body of officers, thereof, and to grant to the officers, so appointed, the power necessary or proper for the purpose above mentioned.

Authority of council to appoint officers.

Power of officers so appointed.

The council shall, by ordinance, define the duties of all officers so appointed or elected as aforesaid, and allow them reasonable compensation, which shall be by monthly salaries, and not otherwise, except as to the collection of taxes, and which compensation shall not be increased or diminished during their term of office; and shall require and take from all those whose duty it shall be to receive its funds, assets or property, or have charge of the same, such bonds, obligations or other writings, as they shall deem necessary or proper to insure the faithful performance of their several duties.

Duties of officers; how defined. Compensation.

Bonds to be required of officers.

All officers so appointed or elected, may be removed from office for malfeasance, nonfeasance or misfeasance, by the council; and, unless their term of office be otherwise fixed by ordinance, they shall be considered as holding their respective offices at the pleasure of the council.

Removal from office.

Term of office.

The chief of police shall have all powers, rights, and privileges within the corporate limits of said city in regard to the arrest of persons, the collection of claims, the execution and return of processes, that can be legally exercised by a constable of a district within the same, and he and his sureties shall be liable to all fines, penalties and forfeitures, that a constable of a district is legally liable to, for any failure or dereliction in his said office; to be recovered in the same manner and in the same courts that the said fines, penalties and forfeitures are now recovered against such district constable. It shall be the duty of the collector and treasurer, to collect city taxes, licenses, levies, assessments, and such other city claims as are placed in his hands for collection, by the council, and may distrain and sell for state taxes; and he shall have, in all other respects, the same power as a sheriff to enforce the payment and collection thereof.

Powers of chief of police.

Sureties liable when.

Duty of collector and treasurer.

Power to enforce payment of taxes.

- Officers must be residents.** All officers appointed by the council must be residents of the city at the time of their appointment.
- Bonds; how payable.** **Proceedings thereon.** 16. All bonds, obligations or other writings, taken in pursuance of any provision of this Act, shall be made payable to "The city of Sistersville;" and the respective persons, and their heirs, executors, administrators and assigns bound thereby, shall be subject to the same proceedings on the said bond, obligation and other writing, for enforcing the conditions of the terms thereof, by motion or otherwise, before any court of record held in and for the county of Tyler, that collectors of county levies and other sureties are or shall be subject to on their bonds, for enforcing the payment of the county levies.
- Officers to give bond.** 17. The mayor and council and all other officers provided for in this act, shall each, before entering upon the duties of their office, and within one week from the date of their election or appointment, give the bond required from any office by section fifteen of this Act, and take the oath prescribed by law for all officers of this State, and make oath that they will truly, faithfully and impartially, to the best of their ability, discharge the duties of their respective offices, so long as they continue therein.
- Oaths of officers.** Said oath or affirmation may be taken before any person authorized to administer oaths, under the laws now in force, or before the mayor or city clerk of said city.
- Before whom taken.**
- Term of office.** 18. The mayor and all other officers, provided for in this Act, shall enter upon the duties of their offices upon the first Monday of April each year, as soon as they are qualified, and shall continue therein until their successors are elected or appointed and qualified.
- Election of person ineligible.** 19. If any person elected to the office of mayor, councilman, collector and treasurer, auditor, or city clerk, shall not be eligible to such office under the provisions of this Act, or shall fail to qualify as herein required, the council for the time being, shall declare his said office vacant, and shall proceed to fill the vacancy as required by this Act.
- Failure to qualify.**
- Vacancy; how filled.**
- Mayor to be chief executive officer; and ex-officio justice of the peace.** 20. The mayor shall be the chief executive officer of the city, and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof, are faithfully executed. He shall be ex-officio a justice

and conservator of the peace within the city, and shall, within the same, have, possess and exercise all the powers and perform all the duties, vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases, or causes of action arising out of corporate limits of the city.

He shall have the same power to issue attachments in civil suits as a justice of his county has, though the cause of action arose out of his city. But in such cases he shall have no power to try the same; but said attachment shall be returnable to and be heard before some justice of his county.

Power to issue attachments. Attachments; how tried.

Any warrant or other process issued by him, may be executed at any place in the county: he shall have control of the police of the city, and may suspend any policeman for cause, and he may appoint special police officers whenever he deems it necessary: and it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected: and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city, before issuing his warrant therefor.

Warrants, etc., to be executed: where. Control of Police.

Arrest without warrant: when.

He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment, he may commit the party in default, to the jail of the county of Tyler, or other place of imprisonment in such corporation, if there be one, until the fine or penalty and costs shall be paid: but the term of imprisonment in such cases shall not exceed thirty days.

Power to issue executions.

Power to imprison.

And in all cases where a person is sentenced to imprisonment, or to the payment of a fine of ten dollars or more, (and in no case shall a judgment for a fine of less than ten dollars, be given by the mayor if the defendant, his agent or attorney, object thereto,) such person shall be allowed an appeal from such decision to the circuit court of said Tyler county, upon the execution of an appeal bond with surety deemed sufficient by the mayor, in a penalty double the amount of the fine and costs imposed by the mayor, with condition that the person proposing to appeal will perform and satisfy any judgment which may be rendered against him by the circuit court, on such appeal.

Appeal allowed; when.

If such appeal be taken, the warrant of arrest, (if there be any), the transcript of the judgment, the appeal bond and other papers of the case, shall be

Papers, etc., to be delivered: to whom?

- Trial; how.** forthwith delivered by the mayor, to the clerk of said court; and the court shall proceed to try the case as upon indictment or presentment, and render such judgment, including that of costs, as the law and the evidence may require.
- Recommendations by mayor.** The mayor shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the city.
- Expense of imprisonment; how paid.** The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment, or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight, of chapter fifty, of the amended Code of this state, shall be paid by the city.
- Mayor to give bond before collecting money.** But the mayor shall not receive any money belonging to the state, or individuals, unless he shall give the bond and security required of a justice of the peace, by chapter fifty of the said Code, and all the provisions of said chapter, relating to money received by justices, shall apply as to like moneys received by the mayor.
- Mayor to pay fines collected; to whom; and when.** The mayor shall pay all moneys received by him for fines, or by virtue of his office, belonging to the city, to the collector and treasurer of the city, within one week after he receives the same.
- City clerk; his duties; to act as mayor, when.** 21. The city clerk shall keep the journal of the proceedings of the council and have charge of and preserve the records of the city; and in the absence from the city, or in the case of sickness or inability, of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of mayor which pertain to him as the chief executive of said city, and be vested with all the power necessary for the performance of such duties.
- He shall be a conservator of the peace within the city.
- Quorum.** 22. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business.
- Minutes of council.** 23. The council shall cause to be kept by the clerk, in a well-bound book, to be called the "minute book," an accurate record of all its proceedings, ordinances, acts, orders and resolutions, and in another, to be called "ordinance book," accurate copies of all general ordinances adopted by the council; both of which shall be fully indexed and open to the inspection of
- Ordinance book.**

any one required to pay taxes to the city or who may be otherwise interested.

All oaths and bonds of officers in the city, and all papers of the council, shall be endorsed, filed and securely kept by the clerk. Papers to be filed and preserved.

The bond of officers shall be recorded in a well-bound book, to be called the "record of bonds." Record of bonds.

The clerk shall perform all such other duties as may by ordinance of the council be prescribed. Clerk's duties.

All printed copies of such ordinances, purporting to be published under authority of the council, and transcripts of such ordinances, acts, orders and resolutions, certified by the clerk, under the seal of the city, shall be deemed *prima facie* correct, when sought to be used in any court or before any justice. Printed ordinances, etc., prima facie correct.

24. At each meeting of the council the proceedings of the last meeting shall be read and corrected, if erroneous, and signed by the presiding officer for the time being. Council meeting; minutes.

Upon the call of any member, the ayes and noes on any question shall be taken and recorded in the journal, and the roll shall be called alphabetically. Ayes and noes.

25. The mayor shall have a vote only in case of a tie. Vote of mayor.

26. The meeting of the council shall be held at such places in said city, and at such times, as they shall from time to time ordain and appoint; but it shall be lawful for the council, by ordinance, to vest in any officer of said city, or in any member or number of members of their own body, the authority to call special meetings; and it shall, by ordinance, prescribe the mode in which notice of such meetings shall be given, and no business shall be transacted unless a majority of all the members of which it then consists, shall be present, except that a less number may compel the attendance of absent members, under such reasonable penalties as they may think proper to impose; and all questions put, except in such matters as are hereinafter provided for, shall be decided by a majority of the members present. Council meetings; regular and special. Quorum necessary; may be how secured.

27. All moneys belonging to the city shall be paid over to the city collector and treasurer; and no money shall be paid out by him, except as the same shall have been appropriated by the council, and upon an order signed by the mayor and city clerk, and not otherwise. City funds; how paid out.

Powers of council.	<p>28. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good repair the roads, streets, alleys, pavements, sidewalks, crosswalks, drains and gutters therein, for the use of the citizens or of the public, and to improve and light the same, and to keep them free from obstructions of every kind; to regulate the width of the pavements and sidewalks on the streets and alleys, and to order the pavements, sidewalks, foot ways, drains and gutters to be kept in good order, free and clean, by the owner or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the fore-stalling of such markets; to prevent injury or annoyance to the public, or to individuals, from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and soap factories within the city limits; or the exercise of any unhealthy or offensive business, trade or employment; to abate all nuisances within the city limits, or to require and compel the abatement or removal thereof, or at the expense of the persons causing the same, or by or at the expense of the owner or occupant of the grounds on which they are placed or found; to cause to be filled up, raised or drained, by or at the expense of the owner, any city lot or tract of land covered or subjected to be covered by stagnant water; to prevent horses, hogs, cattle, sheep or other animals, and fowls of all kinds, from going or being at large in such city, and as one means of prevention, to provide for impounding and confining such animals and fowls, and upon failure to reclaim, for the sale thereof; to protect places of divine worship, and preserve order in and about the premises where and when such worship is held; to regulate the keeping of gun powder and other inflammable or dangerous substances; to provide for the regular building of houses or other structures, and for the making and maintaining of division fences by the owners of adjoining premises, and for the proper daining of city lots or other parcels of land by or at the expense of the owner or occupant thereof; to provide against danger of damage by fire; to punish for assault and batteries; to prohibit the keeping of or loitering in or visiting houses of ill-fame, or loitering in saloons, or upon the streets; to prevent lewd or lascivious conduct, the sale or exhibition of indecent</p>
Roads, streets and alleys.	
Markets.	
Slaughter-houses, etc.	
Nuisances.	
Drainage, etc.	
Animals running at large.	
Divine worship, protection of.	

pictures or other representations: the desecration of the Sabbath day, profane swearing, the illegal sale of all intoxicating liquors, mixtures and preparations, beer, ale, wine or drinks of a like nature: to protect the persons of those residing or being within said city: to appoint when necessary or advisable a police force, permanent or temporary, to assist the chief of police in the discharge of his duties: to build or purchase, or lease and use as a suitable place of imprisonment, within or near the said city, for the safe keeping or punishment of persons charged with or convicted of the violation of ordinances: to erect or authorize or prohibit the erection of gas or water works within the city limits; to prevent injury of such works, or the pollution of any gas or water used or intended to be used by the public or by individuals: to provide for and regulate the weighing or measuring of hay, coal, lumber or other articles sold or kept, or offered for sale within said city, and to establish rates and charges for said weighing or measuring: to regulate the running and speed of engines and cars within the said city: to create by ordinance such committees and boards and delegate such authority thereto as may be deemed necessary or advisable: to provide for the annual assessments of the taxable property therein, including dogs kept in said city and regulate their running at large, and to provide a revenue for the city for municipal purposes, and to appropriate such revenue to its expenses, and generally, to take such measures as may be deemed necessary or advisable to protect the property, public and private, within the city: to preserve and maintain peace, quiet and good order therein, and to preserve and promote the health, safety, comfort and well being of the inhabitants thereof.

Sale of intoxicants.

Police

Gas and water works.

Weights and measures.

Committees and boards.

Taxes.

Appropriation of revenues.

Ordinances: how adopted and enforced.

Fines; offenders may be required to work out.

The council shall have authority to pass all ordinances, (not repugnant to the Constitution and laws of the United States and of this State), which shall be necessary or proper to carry into full effect and power the authority, capacity and jurisdiction which is or shall be granted or vested in the said city, or in the council, or in any officer or body of officers of said city, and to enforce any or all ordinances by reasonable fines and penalties, and by imprisoning the offender or offenders, and upon failure to pay any fine or penalty imposed, by compelling them to labor without compensation on any of the public works or improvements, undertaken or to be undertaken by

said city, or to labor at any work which the said city may lawfully employ labor upon, at such a rate *per diem* as the council may fix, but not at a less rate than is fixed by said city council for like labor from other employees of said city, until any fine or fines imposed upon any such offender or offenders, by said city, shall have been fully paid and discharged, after deducting charges of support while in the custody of the officers of said city; and all ordinances relating to licenses, and the sale of spiritous liquors, malt liquors or wines, and the keeping of or dwelling or loitering in houses of ill fame: and such police regulations as may be ordained for said city, and the right and power to enforce the same shall extend one mile, in the State of West Virginia, beyond the corporate limits of the city: *provided, however,* that no fine shall be imposed exceeding one hundred dollars, and that no person shall be imprisoned or compelled to labor, as aforesaid, more than thirty days for any one offense. And in all cases where a fine is imposed for an amount exceeding ten dollars, or a person be imprisoned or compelled to labor as aforesaid, for a term greater than ten days, an appeal may be taken from any such decision, upon the same terms and conditions, that appeals are taken from the judgment of a justice of this state. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced by and under the judgment of the mayor of the city, or in case of his absence or inability to act, by the clerk of said city, or if he be unable to act, then a member of the council, to be appointed by the council for that purpose.

In addition to the powers above enumerated, the said city council shall have power to improve, amplify and expand the water works of said city, and to contract for an adequate supply of pure, healthful water for said city, and do all things necessary to adequately supply said city with pure, wholesome water; and provide, contract for and construct an adequate sewerage system for said city.

When anything for which a state license is required, is to be done within the limits of said city, the council may decide whether such license may be granted or not, and if granted it shall be assessed and collected the same as if granted by the county court of Tyler County; such license shall be issued in the manner and form provided by sections ten and eleven of chapter thirty-two, of the Code of West Virginia. And the

What ordinances to extend beyond city limits.

Maximum fine, etc.

Appeal from judgment of mayor.

Additional powers of council: water works.

Sewers.

State license; sole power in council to grant or refuse.

sole and exclusive power is vested in the said city council to grant or refuse State licenses within the limits of said city. When any such license, as is hereinbefore mentioned, is granted by said city council, said city council may impose a tax thereon for the use of the city in conformity with the State law, and shall also require of the licensee bonds payable to the said city in its corporate name, with good security; such bonds to be approved by said council, and to be in the same penalty as required by the State law. And said city council may revoke such license at any time the condition of said bond be broken, upon ten days previous notice to the person, persons or corporation holding the same.

City tax on licenses.

Bond of licensee.

Power to revoke license.

And suits may be prosecuted and maintained on such bond, as prescribed in section twenty-two of chapter thirty-two of the Code of West Virginia, by the same person, in the same manner, and to the same extent, as upon the bonds mentioned in said section, and all the provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section.

Suit on such bond.

No license to sell brandy, whiskey, rum, gin, porter, ale, beer, or any other spirituous, vinous, or malt liquor or drink of like nature, shall be granted without the affirmative vote of at least a majority of the councilmen elected in said city, entered of record, in each case. No such license shall be granted until after the first election of councilmen under this Act.

Majority of councilmen elected necessary to grant liquor license

29. A book, well bound and indexed, to be denominated the "docket," shall be kept in the office of the mayor; in which shall be noted each case brought before or tried by him, together with the proceedings therein, including a statement of the complaint, the summons, the return, the fact of appearance or non-appearance, the defense, the hearing, the judgment, the costs, and in case the judgment be one of conviction, the action taken to enforce the same. The record of each case shall be signed by the mayor, and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office; and the mayor shall deliver to his successor the docket and all books and papers pertaining to his office.

Mayor's docket; what to show in relation to cases before him.

Papers to be filed.

30. The council shall cause to be made up annually and spread upon its minute book an accurate estimate of all sums which are or may become lawfully chargeable against the city, and which ought to be

Annual estimate of charges.

Levy.	paid within one year; and it shall order a levy of so much as will in its judgment be necessary to pay the same. Such levy shall be upon all tithables and upon all real and personal property therein subject to State and county taxes, including a poll tax of not more than one dollar upon each male resident of said corporation over twenty-one years of age: <i>provided</i> , that such levy shall not exceed one dollar on each tithable and one dollar on every one hundred dollars of the ascertained value of such property. At least once in each year the council shall cause to be made up and published in one or more newspapers of the city a statement of the revenue received from the different sources, and of the expenditures upon the different accounts, for the preceding year or portion of the year, as the case may be.
Poll tax.	
Annual statement to be published.	
Duties of assessor; assessment of property.	31. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and return the same to the council on or before the first day of June in each year, and for this purpose he shall have all powers conferred by law on county assessors. He shall list the number of dogs in the city and the names of the persons owning the same, which list shall be returned to the council (see chapter forty-seven, section forty-one, Code of West Virginia.) In order to aid the said council in ascertaining the property and tithables subject to taxation by said city, the assessor of said city shall have access to all books and public records of Tyler county without expense to said city or assessor, and he shall also have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation in said city, as are granted and imposed upon the county assessors throughout the State by general law; and the council shall also have authority to prescribe by ordinance such other rules and regulations as may be necessary to enable and to require such assessor to ascertain and properly assess all property and tithables, liable to be taxed by said city, so that such assessment and taxation shall be uniform, and to enforce such ordinance by reasonable fines and penalties; and the said city assessor, in making his valuation for assessment, shall make the same valuation for both real and personal property as the assessor for said county for the same assessment year assessed by the county assessors.
List of dogs and owners.	
To have access to county records.	
Council may prescribe additional requirements.	

32. The council, upon the return of the assessor, shall cause the said assessor's book to be correctly copied by the clerk into two well bound books to be provided for the purpose, and the taxes extended in each book, one of which shall be delivered to the city collector and treasurer, taking his receipt therefor, as well as for the taxes therein contained.

Extension of levy.

33. There shall be a lien on real estate within said city for the city taxes assessed thereon, and for all fines and penalties assessed to, or imposed upon the owners thereof by the authorities of such city from the time the same are so assessed or imposed, which shall have priority over all other liens, except the lien for taxes due the State and county; and which may be enforced by the council in the same manner provided by law for the enforcement of the lien for county taxes. If any real estate within said city be returned delinquent for the non-payment of taxes due thereon, a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for city taxes, interest and commissions thereon, in the same manner, at the same time and by the same officers, as real estate is sold for State taxes.

Lien on real estate for taxes, fines, etc.

Priority. Enforcement of lien.

Sale of real estate for taxes.

34. It shall be the duty of the city collector and treasurer, when the extended copies are completed, to receive one copy thereof, receipting to the council for the same and for the taxes therein extended, and it shall be his duty to collect from the parties the entire amount of taxes with which they are therein severally charged, from and after the first day of June of each year, until the first day of August of the year, and he shall in said book write the word "paid" opposite the name of the person so paying, and shall also receipt to such taxpayer for the tax so paid. He shall also receive such other moneys of the city as he is authorized by this chapter to receive, and all moneys ordered paid him by the council, giving receipts therefor to the parties paying, and shall keep an accurate account of the same; and his books shall at all times be open for inspection to any taxpayer of the city, and he shall produce said books to said council for inspection at any meeting thereof upon the order of the council. He shall pay out the moneys in his hands upon the orders of the council signed by the mayor and the city clerk.

Taxes: how and by whom collected.

Collector to receive and account for funds.

His books to be open for inspection.

Disbursements: how made.

He shall on or before the tenth day of January of each year present to the council a full, complete and

To make statement of receipts and

disburse-
ments.

To receive
license tax.

Compensa-
tion.

Bond.

With what
chargeable.

License: how
obtained.

General law
governing
licenses.

Dog license:
expiration of

detailed statement of all moneys with which he is chargeable or that have been received by him up to the first day of January of that year, and shall at the same time, in like manner, furnish a statement of all disbursements made by him during such previous year, with vouchers evidencing the same. He shall, upon the order of the council at any time, submit a statement of the amount with which he is chargeable, and his collections and disbursements. He shall receive all taxes upon licenses, and receipt to the party paying the same by the endorsement upon the permit granted by order of the council, which permit shall be furnished him by the clerk, and charge himself with the amount so received, and report to the council at its next regular meeting thereafter the amount so received by him. He shall upon all moneys coming into his hands as such treasurer, and duly paid out or turned over by him upon order of council, receive as compensation therefor a sum to be fixed by the council, not exceeding five per cent. on the amount collected. He shall, upon the expiration of his term of office, turn over to the council all moneys, books and other property in his possession belonging to said city; and shall, before entering upon the duties of his office, execute a bond with good security payable to the city of Sistersville, in the penalty of not less than ten thousand dollars, conditioned on the faithful performance of the duties of his office, and for the accounting for and paying as required by law all money which may come into his hands by virtue of his office. He shall be chargeable with all city taxes, levies, and assessments and money of the city that may come into his hands, and shall account therefor.

35. The council shall prescribe, by ordinance, the manner in which license of all kinds shall be applied for and granted, and it shall require the payment of the tax thereon before delivery to the person applying therefor.

36. The provisions of the twenty-ninth section of chapter thirty two, of the Code of West Virginia, relating to State licenses shall be deemed applicable to licenses of a similar character to those therein mentioned, when granted by or under the authority of the council of said city. Licenses for the keeping of dogs shall expire on the thirteenth day of April next after they are granted; and all other licenses may be for such time as the council may determine.

37. The council shall have the right to institute proceedings in the name of the city for the condemnation of real estate for streets, alleys, drains, market-grounds, city prison or other work or purpose of public utility. Such proceedings shall conform to the provisions of chapter forty-two of the Code of West Virginia, and the expenses thereof shall be borne by the city.

Eminent domain.

38. All acts or parts of acts inconsistent with this Act are hereby repealed; but this Act shall not be construed to repeal, change or modify any previous Act, not inconsistent with this Act, authorizing the city of Sistersville to contract debts, or to borrow money, or to take away any of the powers conferred upon said city of Sistersville or upon the mayor or council, or any of the officers, conferred by general law, except so far as the same may be inconsistent with the powers hereby conferred.

Acts repealed.

Acts not affected.

39. The council in being, at the time this Act shall take effect, shall appoint and provide places for voting in the several wards in said city, as herein prescribed, for the election herein provided for to be held in said city, and appoint the election officers thereof; and shall pass all proper ordinances and orders to give this Act full force and effect.

Voting places; how established.

40. The said city shall succeed to all rights, powers and responsibilities, of the town of Sistersville, and all officers of said town acting as such at the time this Act takes effect, shall continue until the first Monday of April, one thousand eight hundred and ninety-nine, (and until their successor, the officers herein mentioned, or elected or appointed and qualified,) to exercise the powers, perform the duties, and receive the compensation heretofore conferred, prescribed and allowed by former charter, by general law, or by the ordinance of said town. Such ordinances in force at the time referred to shall continue to have full operation and effect, as ordinances of the city of Sistersville, until amended, repealed or superseded by the council of said city.

City succeeds to rights and liabilities of town of Sistersville.

Old officers to continue.

Ordinances in force.