

ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA

AT ITS
TWENTY-FIFTH REGULAR SESSION

Commencing January 9th, 1901.

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(House Bill No. 5.)

CHAPTER 144.

AN ACT to create the municipal corporation of "The City of Morgantown" in the county of Monongalia, to grant a charter thereto, and to annul the charter of the town of Morgantown, the town of South Morgantown, the town of Greenmont, and the town of Seneca.

[Passed January 24, 1901. In effect from passage. Approved January 30, 1901.]

Be it enacted by the Legislature of West Virginia:

The City of Morgantown,

1. That the inhabitants of that portion of Monongalia county in the State of West Virginia, included in the boundary described in section two of this act be and they are hereby made a municipal corporation by the name of "The City of Morgantown," by which name they shall have perpetual succession and a common seal, and by which name they may sue and be sued, plead and be impleaded, contract and be contracted with, and purchase, otherwise acquire, and hold real estate and personal property needed in the discharge of the functions of government conferred by this charter.

City of Morgantown incorporated; corporate powers.

Boundaries.

2. The corporate boundaries of the said city shall be as follows, that is to say:

New corporate lines.

Beginning at Target Rock, a large rock in the Monongahela river below Morgantown, said Target Rock being nearest the right bank of said river, thence north fifty-six degrees east, two hundred and three and eight-tenth poles to a locust on the northeast side of the Collins' ferry road, opposite to the entrance to a lane leading to Oliver H. Dille's farm house; thence south sixty-one degrees and fifteen minutes east, two hundred, fifty-three and seven-tenth poles to a post on the southeast side of the Stewartstown road, opposite the intersection of a lane leading to the Hoffman farm house, and the intersection of the old and

new Stewartstown roads; thence south fifty-eight degrees and two minutes east, two hundred, one, and five-tenths poles to a stone on the southeast side of the Ice's ferry pike, at its intersection with the old Robinson road; thence south eleven degrees and nine minutes east, two hundred, nineteen, and five-tenth poles to a stone on the south-west side of the Decker's creek road, opposite its intersection with the Sturgiss road; thence south thirty-four degrees and fifteen minutes west, two hundred, thirty-one, and five-tenth poles to a large stone on the top of the hill on land of George Harner; thence south fifty-eight degrees and twenty-five minutes west, two hundred, twenty-seven, and five-tenth poles to a stone on the north-east side of the Kingwood pike, at its intersection with a lane leading to the William Will's farm house; thence south sixty-seven degrees and fifty-three minutes west, three hundred and forty-four poles to a stone at the intersection of the Evansville pike, with the Morgantown and Fairmont road; thence north eighty-eight degrees and twenty-five minutes west, seventeen and eighty-eight one hundredths poles to a sycamore on the right bank of the Monongahela river; thence with the shore line of said river and down the same to Target Rock, the place of beginning.

Wards.

3. The territory included in the said city shall, from time to time, be divided into wards by the common council thereof. The wards shall be as nearly equal as may be in area and population, and when the wards and the boundaries thereof shall have been once established by an ordinance of the common council, the wards shall thereafter be entitled to elect an equal number of councilmen; but until such establishment of wards by an ordinance of the common council, the wards shall be as follows, and shall be entitled to elect the number of councilmen provided for in the twelfth section of this act:

The first ward shall include the territory within the corporate limits of the town of South Morgantown, together with all additional territory included in the city limits under this act lying south of the Kingwood pike. —first ward.

The second ward shall include all the territory with- —second ward.

in the corporate limits of the town of Greenmont, together with all additional territory included in the city limits under this act lying north of the Kingwood pike and south of Decker's creek.

—third ward.

The third ward shall include all territory within the corporate limits of the town of Morgantown, together with all additional territory included in the city limits under this act lying between Falling Run and Decker's creek.

—fourth ward.

The fourth ward shall include all the territory within the corporate limits of the town of Seneca, together with all additional territory included in the city limits under this act lying north of Falling Run and on the east side of the Monongahela river.

Municipal Authorities.

Common council, who to be.

—word "council" construed.

4. The municipal authorities of the said city shall consist of a mayor, a recorder, and not less than nine councilmen, who together shall form a common council. The word council in this act shall be construed as synonymous with common council.

Exercise of Corporate Powers.

Corporate powers, how exercised.

5. All the corporate powers and functions pertaining to the said city shall be exercised by its common council, or under its authority, in the corporate name of the city, unless otherwise provided by state law or municipal ordinance.

Subordinate Officers.

Subordinate officers, how appointed.

6. The mayor shall nominate, and, by and with the advice and consent of the council, shall appoint a superintendent of streets, a chief of police, an attorney, an assessor, a collector, a treasurer, and all other officers whose offices may be established by an ordinance of the council.

Eligibility of Officers.

Who entitled to hold office.

7. No person shall be eligible to the office of mayor, recorder, or councilman, unless at the time of his election he is legally entitled to vote in the city election for member of the common council, and was for the preceding year assessed with taxes upon real

or personal property within the said city of the assessed value of five hundred dollars, and shall actually have paid the taxes so assessed. And no person shall be eligible to any subordinate office under said city, who is not at the time of his election or appointment entitled to vote for members of the common council.

Tenure of Office.

8. The officers first elected in said city shall hold their offices until the first day of May in the year one thousand nine hundred and two, and until their successors are elected and qualified. The terms of all officers elected after the first election held under this act, shall commence on the first day of May next after their election, and shall continue for one year, and until their successors are elected and qualified, unless they are sooner removed in the manner required by law. All appointed officers shall hold their offices during the pleasure of the common council.

Terms of
elective
officers.

—of officers
appointed.

Powers, Duties, and Compensation of Officers.

9. The powers, duties, and compensation of all officers shall be established by ordinance. But the compensation pertaining to any office shall not be increased or diminished so as to affect any officer subsequent to his election or appointment and during the term for which he was elected or appointed.

Officers; powers, duties and compensation of.

Vacancies in Office.

10. Whenever a vacancy shall occur from any cause in the office of mayor, recorder, or councilman, the common council shall fill the same by election by a viva voce vote until the end of the term.

Vacancies in
elective
offices,
how filled.

Who Are Voters.

11. Every person who has been a bona fide resident of the city for six months next preceding the city election therein, and who is a qualified voter under the constitution and laws of this State, shall be entitled to vote at any city election, in the ward in which he actually resides. But no person shall be deemed a resident of such city by reason of being a student of

Who entitled
to vote and
where.

any school or college therein, or by reason of being stationed therein for any temporary purpose.

First Election of Officers.

First election; when and where.

—how conducted, etc.

—who to be elected.

—number of councilmen elected.

—notice of election.

—duty of council of towns included in corporate limits as to result of such election.

12. The first election in said city under this act shall be held on the first Thursday in April, in the year one thousand nine hundred and one, at the regular voting place or places in each ward, under the supervision of the common council of the town in which each voting place is situated, and shall be conducted, certified, returned, and finally determined, as near as may be, in accordance with the law in force in this State governing municipal elections on the first day of January, one thousand nine hundred and one. At this election there shall be elected by the voters within the corporate limits of the said city, a mayor and a recorder, and by the voters within each of the wards designated in section three of this act, the following number of councilmen, that is to say: By the voters of the first ward, two councilmen; by the voters of the second ward, one councilman; by the voters of the third ward, four councilmen; by the voters of the fourth ward, two councilmen.

Notice of such election shall be given by a joint proclamation of the mayors of the towns of Morgantown, South Morgantown, Greenmont, and Seneca, or by a publication of this section by the recorder of the town of Morgantown, published in some daily newspaper published in said city, for a period of ten days (Sundays excepted) next preceding such election. The common council of each of the towns of Morgantown, South Morgantown, Seneca, and Greenmont, or a majority thereof, shall, as soon as the results of the said election are ascertained in their town, make and sign a certificate containing a statement of the results of said election at each voting place under the supervision of such common council, as to each officer voted for under the provisions of this act, which shall conform in all essential respects to the certificates required by law to be made out and signed by the board of canvassers in each county for state officers. The said certificates shall be enclosed in an envelope, together with the ballots, and the certificates of the commissioners holding such elections, which shall be sealed up and endorsed by the members

of the common council of such town, or a majority of them; and shall be delivered by the recorder of such town to the recorder of the town of Morgantown, within two days after the results of the said election shall have been ascertained as herein prescribed. The recorder of the town of Morgantown shall present such certificates of the councils of said towns to the common council of the town of Morgantown, who shall examine the same and shall ascertain the true aggregate result of such election in the said city, and shall deliver to each person, appearing by said certificates to be elected, a certificate signed by the mayor and recorder of the town of Morgantown, in the form prescribed by law for district officers. The aggregate result of such election shall be entered upon the council journal of the town of Morgantown.

—duty of recorder of Morgantown and of council.

—what entered of record,

Regular Elections.

13. The regular annual election in said city shall be held on the first Thursday in April in each year, at which there shall be elected a mayor and a recorder by the voters at large within the corporate limits of said city, and an equal number of councilmen from each ward, as hereinbefore provided for. The elections shall be held, conducted, and the results thereof ascertained, certified, returned and finally determined, under an ordinance of the common council of such city, which shall not be inconsistent with the general statutes of the State governing municipal elections, and shall conform as nearly as practicable to such statutes. Whenever two or more persons receive an equal number of votes for the same office, if such number be the highest cast for such office, the persons under whom the supervision is held, shall decide by lot which of them shall be returned elected, and shall make their return accordingly. All contested elections shall be heard and decided by the common council.

Annual elections; when, how conducted, etc.; who to be elected.

—tie vote, how decided.

—contested elections.

Qualification of Officers.

14. Every person elected or appointed to an office in such city, shall, within twenty days after his election or appointment and before entering upon the duties of his office, take and subscribe the oath of of-

Oath of office.

—where filed. fee prescribed by law in the case of district officers, which may be done before the mayor or recorder of such city, or before any person authorized by law to administer oaths; and the certificate of the officer administering the oath shall be filed with the recorder of the city.

Meetings of the Council.

Council meetings, who to preside. 15. The council shall be presided over at its meetings by the mayor, or in his absence by the recorder; or in the absence of both mayor and recorder by one of the councilmen selected by the majority of the council present. A majority of the council shall be necessary to form a quorum for the transaction of business.

—quorum.

Votes of Members.

Votes in council. 16. The mayor and recorder shall have votes as members of the council. No member of the council shall vote upon any order, measure, resolution, or proposition, in which he may be interested otherwise than as an inhabitant of such city. Upon the call of any member the yeas and nays on any question shall be taken and recorded in the journal.

—yeas and noes.

Records of the Council.

Record of proceedings; how kept. 17. The council shall cause to be kept in a well bound book called the "Council Journal" an accurate record of all its proceedings, by-laws, ordinances, orders, and resolutions, which shall be fully indexed, and shall be open to the inspection of any one who is required to pay taxes to such city. The records of the towns of Morgantown, South Morgantown, Seneca and Greenmont, shall be deposited with the council of said city, and it shall make suitable provision for the safe-keeping and preservation of the same. At each meeting of the council the proceedings of the last meeting shall be read, corrected if erroneous, and signed by the presiding officer for the time being.

—records of proceedings of towns included in corporate limits, where deposited.

—reading and correcting of proceedings.

Powers and Duties of the Council.

Powers, etc., of council. 18. The council of said city shall have power therein to lay off, vacate, close, open, alter, curb, pave, and

keep in good repair, roads, streets, alleys, side-
walks, cross-walks, drains, and gutters, for the
use of the inhabitants thereof, and of the pub-
lic, and to improve and light the same, and to
have them kept free on and over them; to reg-
ulate the width of sidewalks on the streets, roads
and alleys, and to order the sidewalks, drains and
gutters to be curbed and paved and kept in good
order, free and clean, by the owners 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 forestalling of
such markets; to prevent injury or annoyance to the
public or individuals from any thing dangerous, of-
fensive, or unwholesome; to regulate or prohibit
slaughter houses, tan houses, tan yards, soap facto-
ries, and all other structures for carrying on any busi-
ness trade or employment in said city that is un-
healthy, offensive, or dangerous; to abate any nuisance
within the city limits, or to require and compel the
abatement or removal thereof by the person causing
the same, or at his expense, or by the owner or occu-
pant of the ground on which such nuisance exists, or
at the expense of the owner of such ground; to cause to
be filled up, raised, or drained, by the owner thereof
or at his expense, any lot or tract of land covered with
stagnant water; to prevent hogs, horses, cattle, sheep,
and other animals, and fowls of all kinds from going
at large in such city: to provide for impounding and
confining all kinds of cattle, animals, and fowls run-
ning at large within said city, until the fines and pen-
alties therefor have been paid, and in default of such
payment to make sale of the cattle, animals, or fowls
impounded to satisfy such fines and penalties; to
protect places of divine worship, and to preserve or-
der in and about the places where held: to regulate
the keeping of gun powder and other inflammable or
dangerous substances; to provide in or near the city
places for burial of the dead, and to regulate the in-
terment therein: to provide for the regular building
of houses or other structures; to provide for the mak-
ing and maintenance of division fences and party
walls by the owners of adjacent premises; to provide
for the proper drainage of lots or other parcels of
land, by the owner or occupant thereof, or at his ex-

—as to roads,
streets,
alleys, etc.

—as to side-
walks.

—to establish
and regulate
markets.

—to prevent
annoyance,
etc., to per-
sons.

—to regulate
etc., slaughter
houses, etc.

—to abate
nuisances.

—stagnant
water.

—to prevent
animals, etc.,
going at
large.

—to protect
places of
worship.

—to regulate
keeping of
gun powder,
etc.

—burial of
dead.

—building of
houses, etc.

—drainage.

---fire protection.	pense; to make regulations for guarding against danger by fire; to impose punishment for assault,
---assault etc.	assault and battery, and breach of the peace; to prohibit loitering in or visiting houses of ill fame, or
---houses of ill-fame, loitering, etc.	loitering in saloons, upon the streets, or in any public place; to define offences against good morals and
---good morals, etc., illegal sale of liquors.	decency and provide penalties therefor; to prevent the illegal sale of all intoxicating liquors, mixtures,
---city prison.	and preparations; to make use of the county jail of Monongalia county for a city prison, and to provide
---water-works and lights.	a separate prison for the city; to erect, own, control, and maintain, or authorize or prohibit the erection
---pollution of water.	of any waterworks in the said city or any gas plant, or electric light plant, for light, heat, and power, or
---injury to gas plant, etc.	for either of said purposes; to prevent and punish any pollution of the water supply within said city,
---weighing, etc., hay, coal, etc.	and to prevent and punish any injury to any gas plant, electric plant, or waterworks within said city; to
---protection to persons and property.	provide for and regulate the weighing or measuring of hay, coal, lumber, and other articles sold or kept
---good order, etc.	for sale in the city, and to establish rates and charges therefor; to protect the person of the inhab-
---police force.	itants of the city; and to protect all property, public and private, within the city; to preserve the peace
---licensing of engineers.	and good order therein; to preserve and promote the health, safety, comfort, and well being of the inhab-
---revenue	itants thereof; to provide for the appointment of a suitable police force; to provide for the examination,
---tax assessment and license tax.	regulation and licensing of stationery engineers, and others having charge or control of stationary engines,
---bond of officers.	boilers, or steam generating apparatus within said city; to provide a revenue for the city and apply the
---rules.	same to its purposes; to provide for the annual assessment of taxable property therein; to
	impose a license tax on persons or companies keeping for hire carriages, buggies, wagons, or
	vehicles of any kind, or for carrying passengers for pay in such city; to require and take from
	any officer when deemed necessary a bond, payable according to law, with such sureties, and in such
	penalty as the council may see fit, conditioned for the faithful discharge of the duties of the office; to
	adopt rules for the transaction of business, and for the government and regulation of its own body.

Enforcement of Powers.

19. To carry into effect these enumerated powers, and all other powers conferred upon such city, or its council, by this act or by any other future act of the legislature of this State, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules, and regulations, not contrary to the constitution and laws of this State; and to prescribe, impose, and enact reasonable fines, penalties, and imprisonments in the county jail or other place of imprisonment in said corporation, if there be one, for a term not exceeding thirty days for a violation thereof. Such fines, penalties and imprisonments shall be recovered and enforced under the judgment of the mayor of such city; or the person lawfully exercising his functions.

Powers of council to pass ordinances, etc.

—to impose fines, etc.

—enforcement of fines etc.

Annual Estimate of Expenditures.

20. The council shall cause to be annually made up and entered upon its journal not later than the first day of July in each year, an accurate estimate of all sums that are, or may become, chargeable to such city, and which ought to be paid, within one year; and it shall order a levy of so much as may, in its opinion, be necessary to pay the same.

Annual estimate of expenditures to be made.

Annual Levy.

21. The levy so ordered shall be upon all dogs in the said city, and upon all real and personal property therein subject to state taxes upon the basis of the valuation of such property as fixed for state purposes; but the taxes so levied upon property shall not exceed the rate of one dollar on every one hundred dollars of the valuation thereof, in any one year for current purposes, unless authorized by ordinance in the manner prescribed by law. The council shall cause to be published annually a summary statement of receipts and expenditures.

Annual levy upon what and how made.

—limit to rate.

—publication of receipts, etc.

Control of Liquor Traffic by Council.

22. The council shall have full power to make and enforce ordinances for the regulation and control of the sale of all spirituous, vinous, and malt liquors within the city; to provide for the forfeiture, cancella-

Power of council to control sale of all spirituous, etc., liquors.

—but consent
of county
court must be
had, for liq-
uor license.

tion and annulment of any license for the violation of any condition of the bond given by any licensee, or for a violation of any ordinance regulating and controlling the sale of such liquors; to make and enforce ordinances determining the class, character and qualification of licensees and their employes; to impose a license tax for the sale of such liquors, upon the licensee, for the use of the city, in excess of the amount required to be paid to the State for the same purpose. But nothing contained in this act shall be construed to authorize the corporate authorities of said city to grant state licenses for the sale of spirituous liquors, wines, ale, beer or drinks of like nature within the corporate limits of said city without the consent and approval of the county court of Monongalia county.

Other Licenses.

Licences
other than
for sale of
liquors, etc.

—enforce-
ment of such
licences.

23. When any thing for which a state license is required, other than the sale of spirituous, vinous, and malt liquors, is to be done within such city, the council may require a city license therefor, in the manner prescribed by law, and may impose a tax thereon for the use of the city. And the council may make and enforce all reasonable ordinances respecting the same, provided only that such ordinances shall not be in conflict with the constitution and laws of this State.

Sidewalks; Street Paving, Etc.

Paving, etc.,
of sidewalks,
footways and
gutters.

24. If the owner or occupant of the real property abutting on any sidewalk, footway, or gutter in such city, shall fail or refuse to curb, pave, or keep the same clean, in the manner or within the time required by council, it shall be the duty of the council to cause the same to be done at the expense of the city, and to assess the amount of such expense upon such property, or upon the owner or occupant thereof, and the same may be collected by the collector in the manner provided herein for the collection of city taxes.

—paving of
streets and
alleys.

Upon the petition, in writing, of the persons owning the greater amount of frontage of the lots abutting on any street or alley, between any two cross streets, or between a cross street and alley, the council of the city, by a lawful majority thereof,

may order such part of any street or alley to be paved between the sidewalks with cobblestone, brick, Belgian blocks, asphaltum, or other suitable material, from one of such cross streets or alleys to the other, under such regulations as may be fixed by ordinance duly passed by council; two thirds of the cost of such paving shall be assessed to the owners of the lots or fractional parts of lots abutting on that part of the street or alley so paved, in proportion to the distance such lot or part of a lot abuts on such street or alley, and the remaining one-third of the cost of such paving shall be paid by the city. In making such assessments the basis shall be the cost of paving that part of the street or alley on which the property lies, included between the adjoining cross streets or alleys; and the amount assessed against the owners of each lot or fractional part of a lot, shall be in the proportion which the frontage of such lot or part of a lot bears to the whole cost of paving said street or alley between said cross streets or alleys as aforesaid.

—how paid
for.

—basis of as-
essments to
pay costs of
paving.

—in what
proportion
assessed.

Lien for Taxes, Assessments, Etc.

25. There shall be a lien on all real estate within the city for the city taxes assessed thereon, from the day fixed by law for the commencement of the assessment of such taxes in each year, and the interest upon such taxes, at the rate of six per centum per annum from the first day of January next after such assessment until payment, which may be enforced by the council in the same manner now provided by law for the enforcement of the lien for State or county taxes or in such other manner as the council may by ordinance prescribe. There shall also be a lien on all real estate within the city for other assessments, fines, and penalties assessed or imposed upon the owners thereof by the authorities of the city from the time the same are so assessed or imposed, which shall have priority over all other liens except the lien for taxes, and may be enforced by the council by suit in equity, in the corporate name of the city, in the same manner now prescribed by law for the enforcement of the lien for State or county taxes, or in such other manner as the council may by ordinance prescribe. If any real estate within the city be return-

Lien on real
estate for city
taxes and
interest.

—how such
lien enforced.

—lien also for
other assess-
ments, fines,
etc., from
what time.

—priority of
such liens.

—how en-
forced.

—sale of land delinquent for non-payment of taxes by auditor; when and how.

ed delinquent for the non-payment of the taxes thereon, a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for the taxes, interest and commissions thereon, in the same manner, at the same time and by the same officer as real estate is sold for the non-payment of State taxes.

The City Collector.

City collector to collect city taxes, fines, etc.

—power to distrain and sell; when and how.

—his compensation.

—to account for and pay over same.

—remedy against collector for failure.

—notice to be given.

26. It shall be the duty of the collector to collect the city taxes, fines, levies, and assessments, under such regulations as may be prescribed by law and the ordinances of the city; and in case the same are not paid within one month after they are placed in his hands for collection, he may distrain and sell therefor in like manner as the officer collecting the State taxes may distrain therefor, and he shall have in all other respects the same powers to enforce the payment and collection thereof. His compensation shall not exceed five per cent. on the amount duly collected and accounted for. He shall account for and pay over all taxes, fines, levies, and assessments in accordance with the ordinances prescribed by council. In case the collector shall fail to collect, account for, and pay over all or any of the moneys with which he may be chargeable, belonging to the city, according to the conditions of his bond and the ordinances of the council, the city shall have the right in its corporate name to recover the same by action or motion in the circuit court of Monongalia county, or where the sum does not exceed his jurisdiction, before a justice of the peace, against the collector and his sureties or any of them, or his or their personal representatives, upon giving ten days' notice of any such motion.

The City Assessor.

City assessor, duties of.

—access to books, records, etc.

27. 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 access to all public books and records of Monongalia county and to all documents

and papers in the hands of the county assessor relating to assessments for State and county purposes between the first day of April and the first day of June in each year, without expense to the city, and shall have all the powers conferred by law on county assessors. In case the assessor of the city shall discover any property subject to taxation which has not been listed by the county assessor, it shall be his duty to enlist the same, and make report of the fact, with a description of the property and its owner, to the county assessor; and it shall be the duty of the county assessor to list the same for State and county purposes and to make a proper valuation of the same, and report his valuation to the assessor of the city. The assessor of the city shall list the dogs in the city, with the name of the owners thereof, and return the list to the council. The council shall have power to make and enforce regulations respecting the listing and taxation of dogs in the city, and to provide for impounding and killing such as appear to have no owner, or upon which the tax has not been paid. And it shall have power to make and enforce all needful ordinances respecting the assessment of property.

—his powers.

—his duty as to property not listed by the county assessor.

—duty of county assessor in such cases.

—listing of dogs.

—power of Council to tax dogs; may impound and kill same, when.

—power of council respecting assessment.

Exemption from District Poor and Road Levies.

28. The city shall support its own poor, and shall conduct and maintain its own roads and streets; and by reason thereof shall not be required to pay any district poor levies for the support of the poor outside of the city limits, or any district road taxes for the construction and maintenance of roads outside of the city limits; but the county shall remain at present chargeable for the construction and maintenance of bridges within the city.

City to support its own poor and maintain its roads, etc.

—exempt from district poor and road tax.

—bridges within city.

Powers and Duties of the Mayor.

29. 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

Mayor, his executive powers.

—judicial powers.

—exceptions.

—power to issue attachments in civil cases, but not to try.

—processes issued.

—control of police.

—special police.

—good order, etc.

—may arrest without warrant, when.

—power to issue executions for fines, etc., and to imprison.

—term of such imprisonment.

—to recommend to council, what.

—city to pay jail expenses; exception.

—not to receive money belonging to state, etc., unless, etc.

—may sentence offenders to work out fines, etc.

arising out of the 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 case he shall have no power to try the same, but said attachment shall be returnable to and be heard before some justice in his county. 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 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. 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 Monongalia 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. The mayor shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the city. 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. 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.

The mayor shall have power, when authorized by a proper ordinance of the city, in the case of an offender upon whom a fine has been imposed and who shall neglect or refuse to pay the same, to sentence such offender to work out the amount of the fine imposed, together with the costs, and the costs of the maintenance of such offender from day to day, by

compelling him to labor without compensation upon any of the public works or improvements undertaken by the city, or upon any work upon which the city may employ labor, for which he shall receive such commutation per day, to be fixed by the council, as is allowed by laborers regularly employed, until such fines, costs, and costs of maintenance, shall have been fully paid: *provided*, that no person shall be compelled to labor as aforesaid for more than thirty days for any one offence.

—allowance
to offenders
so laboring.

—number of
days limited.

Appeals shall lie from the judgment of the mayor to the circuit court of Monongalia county, under the regulations prescribed by law.

—appeals
from judg-
ment of
mayor.

Powers and Duties of the Recorder.

30. It shall be the duty of the recorder to keep the journal of the proceedings of the council, to have charge and preserve all records and archives of the city, and to perform such other duties pertaining to his office as the council may prescribe. In the absence of the mayor from the city, or in case of his sickness or disability to act, or during any vacancy in the office of mayor, the recorder shall perform the duties belonging to the office of mayor and for that purpose shall have and possess all the powers of the mayor.

Recorder.

—his duties.

—may per-
form duties of
mayor, when.

The Police Officers.

31. The chief of police shall be ex-officio a constable within the corporate limits of his city. He may execute any writ or process issued by the Mayor or a justice of the peace at any place in Monongalia county. He shall have all the powers, rights, and privileges within the corporate limits of the city, in regard to the arrest of persons, the collection of claims, and the execution and return of process, that can be legally exercised by a constable of the district in which the said city is situated, and he and his sureties shall be liable to all the fines, penalties, and forfeitures that a constable of a district is liable to, for any failure or dereliction in his office, to be recovered in the same manner and in the same courts that the fines, penalties, and forfeitures may be recovered against such constable. All special police officers shall have and possess all the powers, rights,

Chief of po-
lice: his
powers.

—his liabil-
ities.

—special
police officers;
their powers.

—may not
give bond,
when.

and privileges of a constable of the district within the corporate limits of the city, in regard to the arrest of persons, and the execution and return of all criminal writs and process issued by the mayor; but the council may exempt them from giving the bond required of constables.

Right to Condemn Real Estate.

Council;
right of to
condemn real
estate; when
and how.

32. The council shall have the right to institute proceedings in the name of the city for the condemnation of real estate for the use of roads, streets, alleys, drains, public buildings and grounds for the use of the city; and the manner of procedure shall, as nearly as practicable, conform to the provisions of chapter forty-two of the code, and the expense thereof shall be borne by the city.

—expense of.

Repeal of Certain Acts.

Acts repealed.

—what not
changed or
modified, ex-
cept, etc.

33. All acts and parts of acts which are in conflict and inconsistent with this act, are hereby declared inoperative in so far only as they are in conflict or inconsistent with this act. And this act shall not be construed to repeal, change, or modify any previous act, not inconsistent with this act, authorizing the said town of Morgantown, the town of South Morgantown, the town of Greenmont, or the town of Seneca, to contract debts, or borrow money, or to take away any of the powers conferred upon any of said towns, or upon the council or any officer thereof, conferred by general law, except so far as the same may be inconsistent with the powers conferred by this act.

Rights and Liabilities of the City.

City succeeds
to all rights
and liabilities
of the towns
incorporated.

34. The said city shall succeed to all the rights and liabilities of the said town of Morgantown, the town of South Morgantown, the town of Greenmont, and the town of Seneca. It shall be liable for all the debts and obligations of the said several towns the same as if the bond or other evidences of indebtedness were issued in the corporate name of the city.

Ordinances.

35. The ordinances in force in the town of Morgantown, on the first day of May, one thousand nine hundred and one, so far as they are not inconsistent with this charter, shall continue in force as ordinances of the city of Morgantown until amended or repealed by the council of said city.

What ordinances continued in force.

(House Bill No. 292.)

CHAPTER 145.

AN ACT to amend and re-enact and to reduce into one act the several acts incorporating the Town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said Town, and incorporating the City of Mannington in said Marion County.

[Passed February 16, 1901. In effect from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the inhabitants of so much of the county of Marion 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 Mannington," 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 and personal property necessary to the purpose of said corporation.

City of Mannington incorporated.

—corporate name and powers.

2. The corporate limits of said city shall hereafter be as follows:

Corporate limits.

Beginning at a sugar tree on the east bank of Buffalo creek below Burt tannery, an old corner, thence down the east side of said creek S. 54 E. 20 poles to a sycamore, S. 60 E. 28 poles to a stone, S. 75 E. 26 poles to a sycamore, N. 85 E. 32½ poles to a willow, thence leaving the creek and crossing the railroad and pike, N. 5 W. 34 poles to a stone on the east side of Marion street, thence with east side of same N. 9 W.