

L. Hansford. *copy* P/599  
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REVISED

ORDINANCES

— OF THE —

Town of St. George,

TUCKER COUNTY, WEST VA.

— o —

*REVISED, COMPILED AND CODIFIED*

January 19th, 1888.

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ST. GEORGE, WEST VA.:

Printed by the Tucker Democrat.

1888.

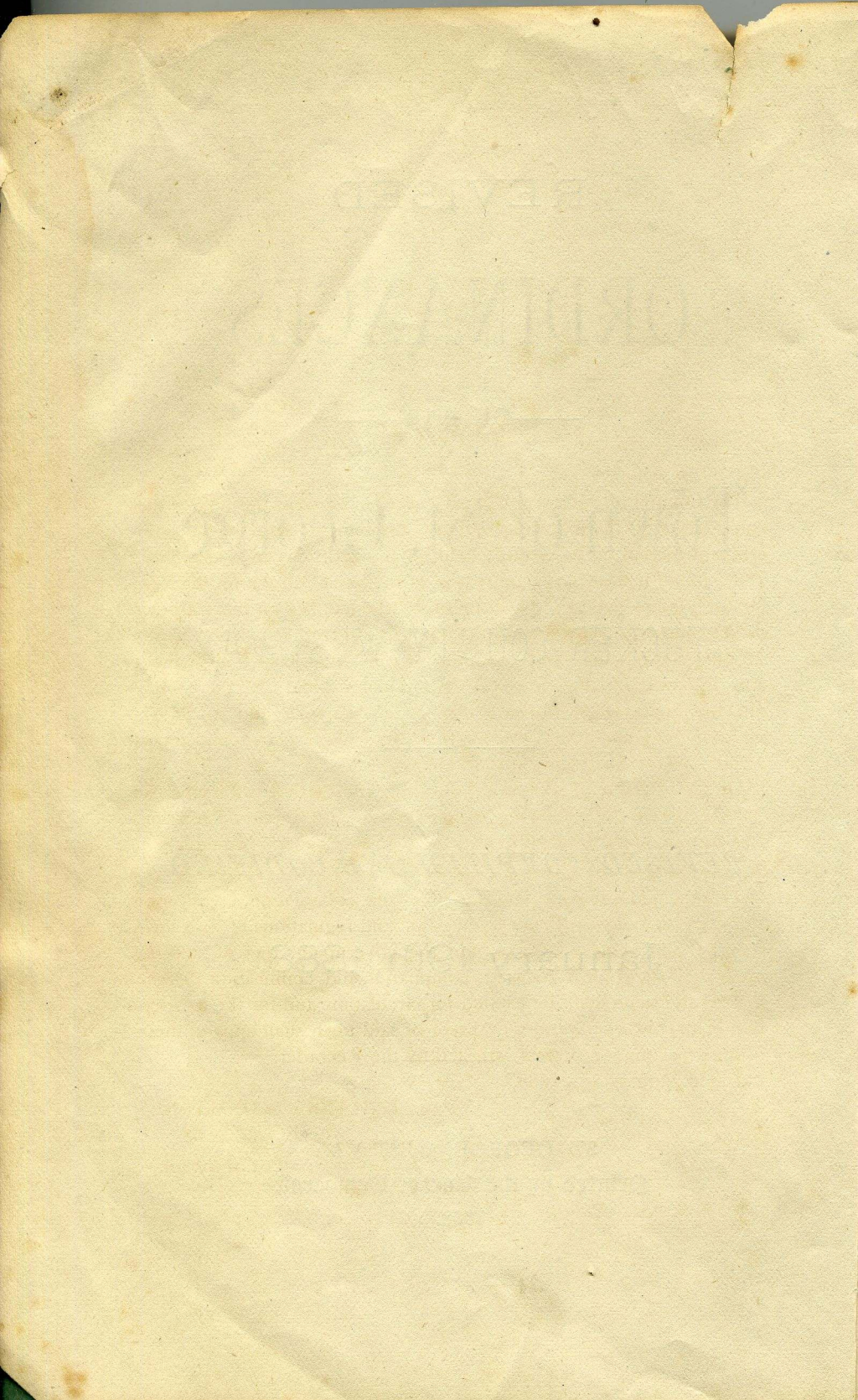


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## PREFACE.

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The Council of the town of St. George, in office at the time of the compilation of the following by-laws, ordinances, &c., for the government thereof, at its meeting held on the 27th day of December, 1887, found it necessary, by reason of the loss of all the ordinances, books, papers, by-laws, &c., caused by the late fire on the 16th day of December, 1887, and unanimously agreed to have a revision, compilation and codification of the laws, ordinances and by-laws of the town of St. George, and on the — day of December, 1887, ordered that A. B. Parsons and L. S. Anvil are hereby appointed a Committee to codify, revise, and report a code of laws for the town of St. George.

On the 19th day of January following, 1888, Messrs. Parsons and Anvil reported the following compilation, codification and revision, and thereupon the Council passed the following general ordinance :

*Be it ordained by the Common Council of the town of St. George—*

That on and after this date the following compilation, codification and revision of the ordinances, by-laws and regulations of said town shall be and remain in force, for the government thereof, and the same shall stand for a revision, compilation and codification thereof.

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

Dated January 19, 1888.

L. HANSFORD, MAYOR.

D. S. MINEAR,  
THOS. B. ASHBY,  
THOS. F. HEBB. } *Councilmen.*

L. S. ANVIL, *Recorder.*

*Charter of the Town of St. George.*

## CHAPTER I.

*State of West Virginia, SS:*

At a Circuit Court (Law side) held in and for the county of Tucker, at the Court House thereof, on Monday, the 12th day of April, 1880, and in the 17th year of the State: Present, the Hon. John Brannon, Judge of the 6th Judicial Circuit of said State, and as such Judge of the Circuit Court of Tucker County,

Upon petition and application to incorporate the town of Saint George.

Samuel W. Bowman, Adam C. Minear and John J. Adams, residents of the District of St. George in the county of Tucker and of the town of Saint George, who on the first day of the present term of this court presented their petition in writing asking the incorporation of the said town of St. George, of the tenor and effect following :

TO THE HON. JOHN BRANNON, Judge, &c.—

(The petition of Samuel W. Bowman, Adam C. Minear and John J. Adams, to the Circuit Court of Tucker county.)

Your petitioners would respectfully represent that they have heretofore taken the necessary actions preparatory to having "The town of St. George" incorporated. The said town of St. George being situate wholly within the District of St. George in said county and has the requisite number of inhabitants. A proper survey and map of the same has been made, a census of the same taken, notice of election duly given, an election held, and a large majority of the votes cast being in favor of an incorporation. All of which will more fully appear by reference to exhibits A, B, C, D and E, herewith filed as part hereof.

Petitioners, therefore, pray that there may be a certificate of incorporation for the territory described in exhibit A to be known as "The town of St. George" awarded them, and your petitioners will ever

SAMUEL W. BOWMAN,

ADAM C. MINEAR,

JOHN J. ADAMS,

*per Counsel.*

W. B. MAXWELL,

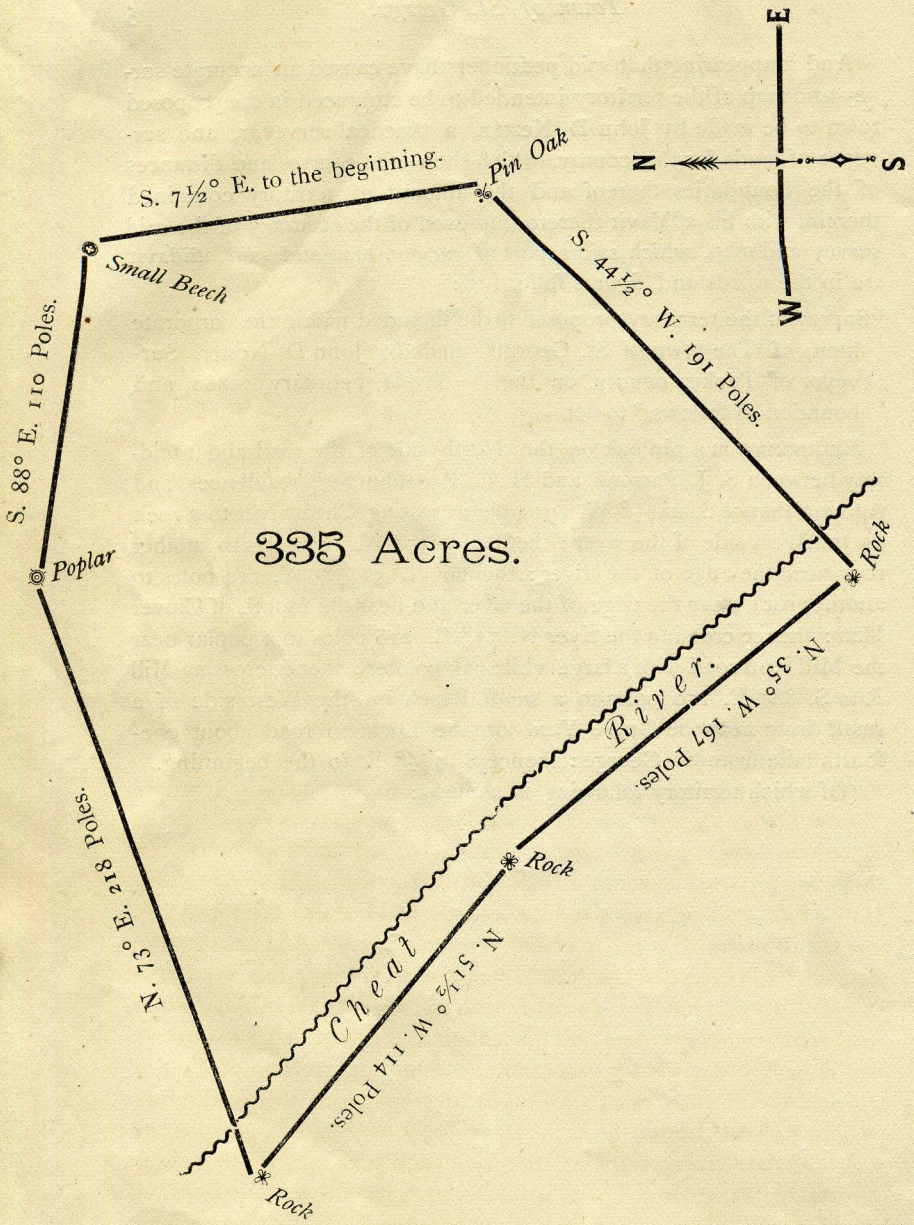
*Attorney for Pitiitioners.*

And it appearing that said petitioners have caused an accurate survey and map of the territory intended to be embraced in the proposed town to be made by John D. Nester, a practical surveyor, and surveyor of lands for this county, which shows the courses and distances of the boundaries thereof and the amount of territory contained therein, with his affidavit thereto annexed of the accuracy of the said survey and map, which said report of survey, map and said affidavit are in the words and figures following :

“Survey of the territory proposed to be included within the corporate limits of ‘The town of St. George,’ made by John D. Nester, Surveyor of Tucker county, on the — day of February, 1880, and bounded as follows,” to-wit—

BEGINNING at a pin oak on the North side of the road about midway between S. J. Parsons and H. C. Rosenburger’s residences, and running thence S.  $44\frac{1}{2}^{\circ}$  W. 191 poles, crossing Cheat river to a rock on the West side of the river : thence N.  $35^{\circ}$  W. 167 poles to another rock near the edge of the river : thence N.  $51\frac{1}{2}^{\circ}$  W. 114 poles to another rock near the edge of the river and near the mouth of Clover Run : thence crossing the river N.  $73^{\circ}$  E. 218 poles to a poplar near the Mill Run road with a large white oak pointer : thence crossing Mill Run S.  $88^{\circ}$  E. 110 poles to a small Beech on the West side of a small drain near the Grave Yard on the Location road about one-fourth mile from St. George : thence S.  $7\frac{1}{2}^{\circ}$  E. to the beginning.

(Of which territory following is a map) :





State of West Virginia, County of Tucker, SS:

John D. Nester, Surveyor of Tucker county, this day personally appeared before the undersigned Clerk of the Circuit Court of said county, and made oath that the foregoing survey and map is accurate to the best of his skill and belief.

Given under my hand this 30th day of March, 1880.

JOHN J. ADAMS, Clerk.

And it further appearing that said petitioners have caused to be taken an accurate census of the resident population of the said territory on the 21st day of February, 1880, which census so taken exhibits the name of every head of the families residing within said territory, and the number of persons belonging to every such family, from which it appears that there were on said day, thirty-one heads of families and one hundred and thirty-three residents belonging to said families, which census is verified by the affidavit of W. B. Maxwell, who took the same: And it further appearing that said survey, map and census after its completion, to-wit: on the 4th day of March, 1880, was left at the place of business of Charles W. Mayer and George A. Mayer, merchants and partners doing business under the style of "C. W. Mayer & Son," their place of business being within said territory, and the said George A. Mayer being a resident of said territory: And it further appearing that said petitioners caused a notice of their intended application to this Court for the incorporation of said town to be published in the *Tucker County Pioneer*, a weekly newspaper published in said territory, which notice describes the boundaries of said territory by courses and distances and specifies in which District said territory lies, and states that said survey, map and census had been so left for inspection at all seasonable hours of every person interested in the application of said petitioners, and also specified Tuesday, the 6th day of April, 1880, and at the store of said C. W. Mayer & Son, within said territory, as the time and place that all the qualified voters residing in said territory would meet to vote upon the question of such incorporation of said town: And it further appearing that such notice was so published once in each week for four successive weeks previous to the time of making the application for such incorporation, and taking such votes: And it further appearing that on the said 6th day of April, 1880, at the said store-house of C. W. Mayer & Son a vote was taken of the qualified voters residing within said territory

and proposed bounds of such proposed town, by ballot in the mode prescribed by law, under the superintendence of Bascom Baker, C. J. Trippet and S. H. Ewin, who were three qualified voters residing within said boundaries appointed for that purpose by the voters then present, and the result of such vote has been duly certified and returned by them under oath to this court: And it further appearing that twenty-six votes were cast at said election on the question of such proposed incorporation, of which twenty were "for incorporation" and six "against incorporation"—It is ordered that said certificate of said election be filed, and there being satisfactory proof that all the provisions of law in respect to such proposed incorporation have been complied with, it is ordered that said territory so described and delineated in said survey and map be incorporated as a town, to be known and called as heretofore by the name of "The town of St. George," and the Clerk of this Court is directed to issue a certificate of the incorporation of said town of St. George in the form and substance as is in such cases directed by law, and the said Clerk shall cause to be entered of record such certificate, with the date of the issuing of the same.

It is further ordered that S. H. Ewing, John A. Shaffer and Adam C. Minear, who are legal voters residing within said territory are hereby appointed inspectors of the first election to be held in said town as provided by law, and they are directed to proceed in respect thereto as is in such case directed by law.

It is further ordered that said petition and accompanying papers be filed and preserved as a part of the records in this court.

And now, at this day, to-wit: April 21, 1880,

TUCKER COUNTY CIRCUIT COURT CLERK'S OFFICE, }  
ST. GEORGE, WEST VIRGINIA. }

A certificate under oath of Bascom Baker, C. J. Trippet and Samuel H. Ewing, that a majority of all the qualified voters residing in the following boundary, to-wit:

BEGINNING at a pin oak on the North side of the road about midway between S. J. Parsons and H. C. Rosenburger's residences and running thence S.  $44\frac{1}{2}^{\circ}$  W. 191 poles, crossing Cheat River to a rock on the West side of the river: thence N.  $35^{\circ}$  W. 167 poles to another rock near the edge of the river: thence N.  $51\frac{1}{2}^{\circ}$  W. 114 poles to another rock near the edge of the river and near the mouth of Clover Run: thence crossing the river N.  $73^{\circ}$  E. 218 poles to a

poplar near the "Mill Run" road with a large white oak pointer : thence crossing Mill Run S. 88° E. 110 poles to a small Beech on the West side of a drain near the Grave Yard on the Location road about one-fourth mile from St. George : thence S. 7½° E. to the beginning, have been given in due form of law in favor of the incorporation of "The town of St. George," in the county of Tucker, bounded as herein set forth.

And it appearing to the satisfaction of the Court that all the provisions of Chapter forty-seven of the Code of West Virginia have been complied with by the applicants for said incorporation, the said town is duly authorized within the corporate limits aforesaid to exercise all the corporate powers conferred by the said chapter from and after the date of this certificate.

JOHN J. ADAMS, Clerk.

A Copy—Teste : JOHN J. ADAMS, Clerk.

*State of West Virginia, County of Tucker, to-wit :*

I, John J. Adams, Clerk of the Circuit Court of Tucker county, in the State aforesaid, do certify that the foregoing is a full and complete record of the proceedings had in said Court regarding the matter of the incorporation of the town of St. George, as shown by the records of my office.

In witness whereof I have hereunto set my hand and affixed the seal of said court, on this the 11th day of January, 1888.

JOHN J. ADAMS, Clerk.



CHAPTER II.

◆◆ ORDINANCE ◆◆

*Prescribing Standing Rules for the government of the Council of the Town of St. George.*

RULE.

1. Meetings, when held.
2. Power to call Special meetings.
3. Mayor to preside at all meetings.
4. In the absence of the Mayor, the Recorder to preside; in the absence of both, a Councilman may preside; their powers and duties.
5. Of questions of order.

RULE.

6. How a member transgressing the rules is called to order; may explain by permission.
7. How appeals shall be allowed.
8. How appeals upon questions shall be put.
9. Every member to vote unless excused.
10. When a motion to be in writing.

## RULE

11. A motion, when debatable; when it may be withdrawn.
12. Order of proceedings.
13. Minutes of preceding meeting, to be read, signed and attested.
14. The order of proceedings, how suspended or changed.
15. How questions shall be put and vote taken.
16. Of the previous question.
17. Of division of the question.
18. When the ayes and nays shall be taken and recorded.
19. Any two members may enter protest.
20. How Council shall be called.

## RULE

21. Of first and second readings of an ordinance.
22. Of privileged questions.
23. Motion to adjourn always in order.
24. Motion not debatable.
25. Of the re-enactment of an ordinance.
26. Of filling blanks.
27. Committees, how appointed.
28. Of standing committees.
29. The number of each committee.
30. The reports to be in writing.
31. Leave of absence.
32. Petition for remission of fines.
33. Charges against town officers.
34. Order of debate.
35. Passage of ordinances.

RULE 1. The meetings of the Council shall be held at the Council Chamber or Mayor's office, at such times as may be fixed by general orders or special orders of adjournment.

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

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

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

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

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

RULE 7. An appeal from the decision of the Mayor or Chairman upon a question of order, shall be allowed upon the demand of the appellant.

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

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

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

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

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

*First*—The unfinished business appearing upon the minutes.

*Second*—The reports from committees.

*Third*—Reports from any officer or any officers in town.

*Fourth*—Petitions for redress of grievances.

*Fifth*—Petitions of all other kinds.

*Sixth*—Original propositions from any member.

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

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

RULE 15. All questions shall be put in this form—“As many as are in favor of the motion, answer ‘I;’ contrary, ‘No.’” And in doubtful cases, or where an affirmative vote of two-thirds of the members present is necessary to carry the proposition, the Mayor may direct, or any member may call for a division.

RULE 16. The call for the previous question shall be decided by the following proposition—“Shall the main question be put?” The call shall be admitted only on the demand of two members, and until decided shall preclude all amendments or debates of the main question.

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

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

RULE 19. Any one member shall have the liberty to protest against any ordinance of the Council which he may think injurious to the public or any individual, and have the reasons of his protest entered upon the journal.

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

RULE 21. The first reading of an ordinance proposed shall be for information, and if objection be made, the question shall be, "Shall the proposition be rejected?" If no objection be made, or the question to reject be lost, the ordinance shall go to a second reading without further question; after which it shall be subject to amendment or debate.

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

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

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

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

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

RULE 27. All Committees shall be appointed by the Council, unless otherwise directed by a majority thereof.

RULE 28. The Standing Committees shall be as follows, viz:

On Ordinances.

On Finances.

On Streets and Alleys.

On Cemetery.

RULE 29. The Standing Committees shall each consist of three members, unless otherwise ordered at the time.

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

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

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

RULE 33. Charges against any officer of the town shall be preferred in writing, and verified by affidavit, and having been read, shall be investigated by the Council without delay.

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

RULE 35. No ordinance shall be put upon its final passage until it shall have passed its third reading. Except, however, the Council may suspend the rules and pass it upon its first reading.

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CHAPTER III.

ORDINANCE I.

*Concerning Elections.*

- SEC.  
 1. Time and place.  
 2. Commissioner.  
 3. Voters, who are.  
 4. Polls.

- SEC.  
 5. Result declared.  
 6. Vacancy.  
 7. Contests, when heard.

SECTION 1. The annual town election shall be held on the first Thursday in January, at such place within the corporate limits as the Council may by resolution designate.

SEC. 2. The Council shall from time to time appoint three discreet voters, residents of the town, Commissioners to hold and conduct elections, and if any of the persons so appointed fail or refuse to act, then the Commissioners in attendance, if any, and if not the Mayor or Recorder shall supply the vacancy. Poll books, Tally sheets and Ballot boxes shall be furnished by the Recorder.

SEC. 3. The qualified voters of the county resident within the corporate limits shall be entitled to vote at all town elections and for

all elective officers. Notice of the time and place of holding any election shall be given by proclamation of the Mayor, by posting the same at three or more public places within the corporate limits for at least ten days prior to such election.

SEC. 4. The commissioners shall open the polls at sun-rise, or as soon thereafter as practicable, and close the same at sun-set. They shall then proceed to count the ballots, ascertain the result of the election, and certify the same to the council.

SEC. 5. The council shall within five days after the election (Sundays excepted) meet and examine the returns of the commissioners, declare the result, and cause certificates to be issued to the successful candidates, who may immediately or within 20 days from the election, take the oath prescribed by law. Notice of the time and place of such meeting of the council to the various candidates shall be given by the Mayor. All of which officers so elected shall enter upon the discharge of their duties on the first day of February, following their election, and shall be for one year and until their successors are elected and qualified.

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

SEC. 7. In case any two candidates receive an equal number of votes for the same office, the commissioners holding the election shall decide who is elected. And all contested elections shall be heard and decided by the council.

If any person desires to contest any election, he shall file notice thereof with the Recorder within ten days after the election, and shall give a similar notice to the party affected thereby. The Mayor shall thereupon at once convene the council to hear and determine such contest and declare the result. Fraudulent practices in connection with any election on the part of any candidate shall vitiate his election, and the council may declare his opponent elected or the office vacant and proceed to fill it, as in cases of other vacancies.

Peace and good order shall be preserved at the polls and no intimidation or bribe shall be used to influence any voter.



## CHAPTER IV.

## ORDINANCE II,

*Concerning Officers, Duties, Fees, &c.*

Sec.	
1.	Appointment.
2.	Power and Oath.
3.	Mayor.
4.	Recorder
5.	Sergeant.
6.	Street Commissioner.
7.	Sexton.

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

SEC. 1. The council shall annually at their first meeting in February, as soon thereafter as practicable, appoint a Sergeant, Street Commissioner, Assessor, and if necessary a Sexton. All officers shall continue in office until their successors are elected and qualified. Vacancies in the office of councilmen or Mayor shall be filled by the council until the next general election.

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

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

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

SEC. 5. The Sergeant shall collect the town taxes, fines and license, and shall perform such other duties as are prescribed by law or any ordinance or resolution of the council, or that may be required by the Mayor. Before entering upon the duties of his office he shall execute before and file with the Recorder, subject to the approval of the Council, a bond in the penalty of \$1,000, with good personal security, conditioned according to law. He shall keep a book showing his receipts and disbursements, by separate items, which shall always be open to inspection, He shall furnish monthly statements to the Council when required. All orders on the Treasury shall be signed by the Mayor and countersigned by the Recorder, before payment, and shall be subject to the payment of any taxes, license, fines, or any other debt due from the payee to the town. And it shall be unlawful for the Sergeant or any one performing the duties of Sergeant, to shave or discount any order. For every violation hereof, he shall be liable to a fine for malfeasance in office, and shall be required to pay the amount of such shave or discount into the town treasury. The Sergeant, his deputies and assistants shall see that peace and good order are preserved both night and day throughout the town, shall prevent the breach of any ordinance if possible, and shall arrest the offenders promptly, and shall under the supervision of the Mayor have charge of the Lockup, and shall see that the same is kept free from filth and in good order and safe repair.

SEC. 6. It shall be the duty of the Street Commissioner to cause all work to be done upon the roads, streets and alleys, as required by law, and to see that the same are kept in good condition and free from obstructions, and that the sidewalks and crossings are kept in good repair and unobstructed, and to return to the Council any persons failing to perform the labor on roads, streets and alleys, as required by law.

SEC. 7. The Sexton, under the advice and control of the Cemetery Committee, shall have charge of the corporation cemeteries, and he may arrest and take before the Mayor any person found committing any act of vandalism, trespass, or depredations therein. He shall superintend the digging of all graves, and shall keep the roads and passways free from obstruction, and the cemeteries clean and in good order, and perform such other duties as may be imposed upon him by the committee or council.

SEC. 8. The officer whose duty it is to collect or pay out any of the funds of the town shall once in every six months from the first day of February, in each year, lay a statement of his receipts, together with his disbursements and vouchers, before the Finance Committee, who shall carefully examine the same and make report thereof to the council, at its next meeting. Such report, when found correct and approved by the council, shall be recorded by the Recorder. The council may from time to time require any officer to make such reports or settlements as may be deemed necessary.

SEC. 9. The Finance Committee shall have charge of the financial affairs of the town, they shall examine all accounts to see that they are correct, report on all bonds, make settlements with the various officers, semi-annually, make up and report necessary expenditures and levy, and perform any duty required of them by the council.

SEC. 10. The Street Committee, with the assistance of the Street Commissioner, shall have charge of the streets, roads, alleys, sidewalks, culverts, sewers and bridges within the corporate limits. They shall see that the same are kept free from obstruction, clean and in good repair. They shall from time to time recommend such improvements as ought to be undertaken by the council, and report the probable expense thereof, and perform such other duties as may be required.

SEC. 11. The Ordinance Committee shall have charge of all legal matters; shall draft, examine and recommend necessary ordinances, orders, resolutions and rules, and perform such other duties as may be required.

SEC. 12. The Cemetery Committee shall have charge of all matters relating to the cemetery; shall see that the Sexton properly performs the duties of his office, recommend improvements to be undertaken in the cemetery, and prescribe regulations to be observed in laying out lots, setting out shade trees and digging graves, and perform such other duties as may be required of them.

SEC. 13. The following fees and salaries shall be paid out of the town treasury, to-wit:

MAYOR: Such compensation as may be fixed from time to time by the council.

RECORDER: Such compensation as may be fixed by the council from time to time.

SEXTON: Such compensation as may be fixed by council.

SERGEANT: Such compensation as may be fixed by council, in addition to the following: For collecting fines and license, five per centum. For collecting the tax levy, five per centum. When any money is collected by any other officer and paid into the treasury, the Sergeant shall not be entitled to commission thereon.

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

ASSESSOR: Such compensation as may be fixed by council.

STREET COMMISSIONER. Such compensation as may be fixed by council.

The Mayor, for all services in a case before him, shall be entitled to such fees and compensation as Justices of the Peace for like services.

The Sergeant, or other police officer, for serving process, making arrests, summoning witnesses, &c., shall be allowed the same fees as are allowed to constables for like services.

The Recorder shall be allowed for making copies from books or other papers in his possession the same fees as are allowed the Clerk of the County Court for similar services, to be paid by the party at whose instance the service is performed.

SEC. 14. Any officer who shall knowingly neglect or refuse to perform any of the duties of his office, prescribed by law, ordinance or resolution of the council, shall on conviction thereof before the Mayor or a Justice of the Peace, forfeit and pay a fine of not less than \$2.50 nor more than \$20.00 for every such failure.

In case of the Mayor, for neglect of public duty pertaining to his office, a fine shall be imposed on conviction by the council of not less than \$2.50 nor more than \$20.00.

And any member of the Council who shall knowingly neglect any of the duties of his office, may on conviction by the council be fined not less than \$1.00 nor more than \$5.00.

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## CHAPTER V.

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### ORDINANCE III,

### *Concerning the Proceedings for the Enforcement of Fines.*

SEC.	
1.	Summons or Warrant.
2.	Summons, when.
3.	Trial.
4.	Warrant, when
5.	Contempts.
6.	Conduct of officers.

SEC.	
7.	Neglect of Officers.
8.	Execution of process.
9.	Execution of Fines.
10.	Remission of Fines
11.	Mayor's Docket, and Fines, how paid.

SEC. 1. Proceedings for the enforcement of all fines shall be by summons or warrant of arrest, issued by the Mayor or other officer performing his functions, except where an offense is committed in the presence of any police officer, member of the council or Mayor. Such officer may cause the offender to be immediately apprehended, without summons or warrant, and in all instances where the offender is likely to escape beyond the jurisdiction of the town authorities, such offender may be at once arrested and detained in custody or imprisoned in the lockup, until a proper warrant can be obtained.

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

SEC. 3. If the accused appear at the time of the return, the matter shall be at once tried, unless for good cause a continuance is granted. If the accused fail to appear after the summons has been duly served and a reasonable time has elapsed between the time of service and return, the Mayor or other officer shall examine the evidence and render a judgment for a reasonable fine, as though the accused had appeared and pleaded. The Mayor or other officer may set aside any judgment and grant a rehearing within 14 days after the judgment is rendered. The party charged with an offense may appear without a written summons, and submit himself to the jurisdiction of the Mayor. In such case the trial shall proceed without summons.

SEC. 4. Upon information under oath, which shall be reduced to writing, and signed by the complainant, the Mayor shall issue a warrant in the name of the town of St. George, as plaintiff, directed to the Sergeant or any policeman, requiring him to forthwith apprehend and bring before him the party accused to answer the charge. The accused when apprehended shall be immediately tried, (except in cases of drunkenness, in which case he shall be confined in the lock-up until he be in a condition to try.) In other cases the accused,

when apprehended, shall be tried or detained in custody, or released on bail in the discretion of the Mayor, until the case is finally disposed of. If the accused be adjudged guilty, the Mayor may require immediate payment of the fine and costs, and in default thereof may imprison the offender until the fine and costs be paid, provided the imprisonment does not exceed thirty days.

X  
SEC. 5. For any abusive or contemptuous language or conduct toward the Mayor or other officer while in the discharge of his official duties, any person herein violating may at once be apprehended without warrant, and adjudged to pay a fine not exceeding \$25.00, and be imprisoned in the lockup not exceeding 15 days.

SEC. 6. Any officer while in the discharge of his official duties, who shall use filthy language, or who shall conduct himself in an insolent, overbearing and abusive manner, towards any peaceable or law-abiding citizen of the town or any peaceable stranger therein, or who shall use undue violence in making an arrest, or who shall become intoxicated, or loaf about gambling or drinking saloons, or other place of bad repute, where his duties do not require his presence, shall forfeit and pay a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00.)

SEC. 7. If any Sergeant or police officer shall fail or neglect for a reasonable time to report any offense against any ordinance that may have come to his knowledge from any source whatever, or shall neglect to execute any order of the council, or any summons or warrant, for an unreasonable time, or fail to arrest any person committing an offense in his presence, shall be liable to pay a fine of not less than one nor more than twenty-five dollars.

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

X  
SEC. 9. In case the offender is not in custody or present at the trial, the Mayor may issue such executions, including a *capias profine*, as he may deem necessary to secure the payment of any fine. Imprisonment on a *capias profine* or in default of the payment thereof, shall not be deemed a satisfaction of the fine, but an offender

shall not be liable to imprisonment for more than thirty days by reason of a failure to pay one fine.

SEC. 10. The council will on a proper application remit in part or whole any fine or penalty which shall be made plainly to appear unjust, illegal or excessive. Petitions for the remission of fines shall be in writing, and set out the evidence and grounds for the application, and be accompanied with the necessary affidavits to establish the truth of the allegations therein contained. Such petitions shall be referred to the Ordinance Committee for their careful investigation and report, before being acted on by the council.

SEC. 11. The Mayor shall keep a record of all proceedings before him in a docket to be furnished by the council, which shall always be open to public inspection. He shall also receive all fines and pay them to the Sergeant, and take his receipt therefor, and shall on or before the 1st day of June and the 15th day of January in each year, by a statement of the fines imposed and collected and the disposition thereof, before the Finance Committee.

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

## CHAPTER VI.

### ORDINANCE IV,

#### *Concerning Offenses and their Punishment.*

Sec.	General Prohibition.	Sec.	Unlawful weapons,
1.	Bad Conduct, Profane Language, &c.	23,	Minors,
2.	Public Indecency, Drunkenness, &c.	24,	Bridges, riding on,
3.	Indecent Pictures, Prints, &c.	25,	Bathing,
4.	Riot, Noise, Tumult.	26,	Diseased provisions,
5.	Assault and Battery.	27,	Poisonous Springs, &c.
6.	Annoying Conduct.	28,	Contagious diseases,
7.	Injuring property.	29,	Dead Animals,
8.	Swindling, Setting Fire, &c.	30,	Posting Notices, &c.
9.	Receiving stolen goods.	31,	Hogs, Horses, Cows, &c.
10.	Slop-waters, &c.	32,	Sabbath,
11,	Obstructing streets, &c.	33,	Church-goers.
12,	Obstructing Sewers, gutters, &c.	34,	Disorderly behaviour,
13,	Digging up streets, &c.	35,	Disturbing Worship, &c.
14,	Obstructing sidewalks,	36,	Adultery and Fornication,
15,	Playing upon streets,	37,	Without License.
16,	Racing on streets,	38,	Resisting Officers, &c.
17,	Burning Shavings, &c.	39,	Dangerous chimneys, roofs, &c.
18,	Firing Guns, &c.	40,	Abatement of same,
19,	Cruelty to Animals,	41,	Trespass,
20,	False Alarm of Fire,	42,	Larceny,
21,	Lanterns, stables, &c.	43,	
22,			

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

SEC. 2. It shall be unlawful for any person to commit or perpetrate any indecent, immodest lewd or filthy act, or utter any lewd, filthy or profane language in or upon any street, alley, sidewalk, or other public place, or in any private place. Any persons offending herein shall be fined not less than one nor more than \$5.00 for each offense.

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

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

SEC. 5. It shall be unlawful for any person to commit or cause any riot, noise, disorder, or tumult, or loud personal abuse of any person by words to the disturbance or tending to the disturbance of the peace or quiet of the town, or at any time or place to use any insulting or abusive language towards any person, or write any anonymous letter, or to use, utter, print, post, or publish of, to or concerning any person any libelous or slanderous words, inuendoes or expressions that tend to a breach of the peace, circulate, distribute, or place the same at any person's house or place of residence, except for good motives and justifiable ends. Any person offending against either of the three preceding sections, shall be fined not less than \$2.50 nor more than \$10.00 for every offense, and may be confined in jail not more than 30 days.

SEC. 6. It shall be unlawful for any person to commit an assault or battery, or aid and abet or encourage any one in so doing: Any person offending herein shall be fined not less than \$5.00 nor more than \$10.00.

SEC. 7. It shall be unlawful for any person on any of the bridges, sidewalks, streets or alleys, to conduct himself in a manner annoying to persons passing by, or occupants or residents of adjoining buildings, or to ring any door bell, or rap on any window, to annoy or de-



ceive the inmates of any house, office, store or shop. Any person offending herein shall be fined not less than 25 cents nor more than \$2.25.

SEC. 8. It shall be unlawful for any person not the owner thereof to cut any shade or ornamental tree or any tree designating the boundary of lands, or to deface, remove, injure or destroy any tombstone, monument or flower or other thing of value in any cemetery, yard, garden, lot, street, alley or public square, or to maliciously or intentionally engrave, deface, mutilate or destroy any of the bridges or other property of the town or any bridge, church, school-house, house, fence, railing, wall or any goods and chattels, the property of any other person, without the consent of the owner thereof; or to carry off from any building, enclosure or lot any property not his own without the consent of the owner of such property or the person having it in custody. Any person offending herein shall be fined not less than \$5.00 nor more than \$50.00, and imprisoned in the lockup not exceeding 30 days.

SEC. 9. It shall be unlawful for any person to practice any trick, game or device with intent to swindle, or to pick or attempt to pick or to aid in picking pockets, to set fire to any building or to break into the same, to set fire to any straw, hay, fodder or any other property within the corporate limits. Any person offending herein shall be fined not less than \$2.50 nor more than \$25.00 and imprisoned not exceeding 30 days.

SEC. 10. It shall be unlawful for any person knowingly to buy or traffic in or receive any property from any person not the lawful owner thereof. Any person offending therein shall be fined not less than one dollar nor more than \$10.00.

SEC. 11. It shall be unlawful for any person to throw slop, offal, ashes, shavings, coal, cinder, mud, dung or other filth from his house, kitchen, stable, hog-pen or premises, into or upon any street, alley or public square, or the lot or property of another, or to permit or suffer the same to be done by any person in his employment, or belonging to his family, and allow any offensive liquid to be discharged from his house, factory or lot upon any street, alley or sidewalk. Nor shall any person suffer or permit the waste water from his house or kitchen to run or flow upon the property of another, or into or upon any street, alley or public square, where there are sewers upon such street, alley or public square accessible to such house. In no

case shall the waste water be allowed to run over the sidewalks, but the owner of the property shall provide the necessary means to carry such waste water under the sidewalk into the sewer or gutter by a closed drain or piping. Nor shall any person change the natural drainage so as to throw the water from his lot onto the lot of another, without such other's permission, or on to the streets, alleys or public squares, without permission from the Council.

SEC. 12. It shall be unlawful for any person to obstruct any street, alley, sidewalk, or public square by allowing any wagon, cart or other vehicle, or any coal, wood, ashes, or other filth, or any brick, stone or other material being used in building, or any incumbrance whatever, to remain on such street, alley, sidewalk or public square an unreasonable time. It shall be unlawful to sell at public auction (officers of the law excepted) any goods, wares and merchandise on the streets and sidewalks, or to lead or drive any animals or vehicles, to roll wheelbarrows on any sidewalks, except in cases of necessity, or to shoe horses or other animals thereon, or to negligently permit any such animals or vehicles to stand on any sidewalk or street crossing, or to obstruct the streets, alleys and sidewalks for any purpose whatever unnecessarily.

SEC. 13. It shall be unlawful for any person to obstruct any sewer or gutter or to allow any cesspool or privy vault to empty therein.

SEC. 14. It shall be unlawful for any person to dig or break up any of the streets, alleys, sidewalks or public squares, without permission from the Council.

SEC. 15. It shall be unlawful for any person without the permission of the Council, to obstruct the streets, alleys or sidewalks in any manner to any extent by building porches, porticos, verandas, balconies, bay or show windows, steps, arenas, fences, walks, or railings, or erecting signposts, signs, lamps, hitch-racks or awnings, or by continuing any such porches, porticos, verandas, balconies, bay or show windows, steps, arenas, fences, walls, railings, hitch-racks, sign-posts, signs or awnings already erected on or over any sidewalk, street or alley, after notice in writing to remove the same, has been served upon the owner thereof by the Council. Any person offending against either of the five preceding sections shall be fined not less than \$1.00 nor more than five dollars (\$5.00) for every offense.

SEC. 16. It shall be unlawful for any person to fly a kite, roll a hoop, play at foot-ball, base ball, or to carelessly ride or drive any

bicycle, tricycle, or engage in any play or sport which might produce any bodily injury to any one, or endanger the life or property of any person, on any street, sidewalk, landing, bridge, alley or public square. Any person offending herein shall be fined not less than 25 cents nor more than \$5.00.

SEC. 17. It shall be unlawful for any person to gallop any horse, gelding, mule, or ass, or drive or ride any such animal at any improper or dangerous speed, or run or race any such animal, or start the same for the purpose of running or racing within the alleys, streets or roads; or to suffer any such animal to stand upon any street, alley or road, without being properly fastened or being watched by some person competent to prevent the same from starting, or to hitch any such animal to any fence or ornamental trees, or to ride or drive the same upon any sidewalk or pavement.

SEC. 18. It shall be unlawful to burn or cause to be burned any shavings, or other combustibles, in any part of the streets, alleys, public squares, or any yard, (except workmen whose business necessarily requires out-door fires), nor then if in the opinion of any two respectable householders any building might be endangered thereby. Nor shall any person boil tar, oil or varnish within twenty feet of any building. Any person offending against either of the two last preceding sections shall be fined not less than one dollar or more than five dollars (\$5.00.)

SEC. 19. It shall be unlawful for any person to fire or discharge within two hundred yards of any building any cannon, gun, pistol or fire arms of any kind, or rocket, fire-cracker, fire-works or combustibles of any kind, (except any person may be permitted to shoot game or domestic animals.) Any person offending herein shall be fined not less than one dollar nor more than \$5.00.

SEC. 20. It shall be unlawful for any person to abuse any animal by any cruel or inhuman treatment.

SEC. 21. It shall be unlawful for any person to willfully cause a false alarm of fire, or cry "fire," or ring any bell, or do anything tending to create a false alarm of fire.

SEC. 22. It shall be unlawful for any person, owner or occupant of any livery or other stable or of any out-house that may contain hay, straw, fodder, &c., to use or carry therein any lighted candle or other light unless the same be secured. Any person offending herein shall be fined not less than one nor more than five dollars.

SEC. 23. It shall be unlawful for any person to carry about his person any revolver or other pistol, dirk, bowieknife, razor, slung shot, billy, metallic or other false knuckles, or any other deadly or dangerous weapon of like kind or character. Any person offending herein shall be fined not less than \$25.00 nor more than \$100.00, and may in the discretion of the Mayor be confined in jail not exceeding 30 days. Except, any person may avail himself of the defense provided for in section 7th of chapter 148 of the code.

SEC. 24. It shall be unlawful for any person to sell or furnish any such weapons as mentioned in the above section, to a person whom he knows or has reason from his appearance or otherwise to believe to be under the age of 21 years. He shall be punished as in the preceding section.

SEC. 25. It shall be unlawful for any person to ride or drive on any bridge faster than a walk.

SEC. 26. It shall be unlawful for any person to bathe in that portion of Cheat river within the corporate limits within two hundred yards of the mouth of Mill Run, from sun-rise to one hour after sunset.

SEC. 27. It shall be unlawful for any person to sell any diseased, corrupted, or adulterated or unwholesome provisions, whether food or drink, without making known the same to the buyer. Any person offending against either of the three preceding sections shall be fined not less than one nor more than two dollars.

SEC. 28. It shall be unlawful for any person to knowingly or willfully throw, or cause to be thrown, into any well, cistern, spring, brook or branch of running water which is used for domestic purposes, any dead animal's carcass, or put therein the contents of any cess-pool, privy vault, or any putrid, nauseous, offensive or poisonous substance. Any person offending herein shall be fined not less than ten dollars nor more than fifty dollars, and confined in jail not exceeding 30 days.

SEC. 29. It shall be unlawful for any person to bring into town any person infected with any contagious disease, or the corpse of any person who died of such disease, except it be a citizen thereof. And in case a citizen or corpse of any citizen so infected, shall be brought into the corporate limits, such person shall give immediate notice thereof to the Mayor, Sergeant or some member of the council, and

upon failure of any such person to give such notice, he shall be deemed guilty of an offense and fined not exceeding \$25.00.

SEC. 30. It shall be unlawful for any person to allow on his premises or under or in any of his buildings any dead animal, putrid or decaying substance, manure, dirt or filth of any kind that produces an unpleasant odor or taints the air; and if any animal, the property of any person, shall die, the owner thereof shall remove and bury it at least two hundred yards from any dwelling-house. Any person offending herein shall be fined not exceeding five dollars.

SEC. 31. It shall be unlawful for any person to post any written or printed notices, bills, or nail up any board or tin advertisement, or paint any such advertisement or show pictures on any bridge, building, fence, wall or lamp or sign-post without consent of the owner thereof; or to tear down, mutilate or destroy any such advertisement, notice or bill lawfully posted or painted. Any person offending herein shall be fined not less than one nor more than \$5.00 for every offense.

SEC. 32. It shall be unlawful for any owner to allow any horse, mule, hog or sheep to go at large unrestrained (on any street, alley, sidewalk, road or commons), within the corporate limits, nor for any cow or other cattle to run at large upon the streets, roads, alleys, sidewalks or commons, within said corporate limits, between the hours of 9 o'clock, P. M., and 4 o'clock, A. M. And it shall be lawful for any officer to impound any such animal found going at large, until the owner thereof can be ascertained, (if he be found), who shall pay 25 cents per head for impounding, and all necessary expenses for keeping the same and if the same shall not have been paid within ten days, it shall be the duty of the officer to sell the same in the manner that sales are made under execution.

SEC. 33. It shall be unlawful for any person on the Sabbath to play marbles, pitch quoits, or engage in any game or sport, utter loud cries, quarrel, riot, hunt, fish. Any person offending herein shall be fined not less than 25 cents nor more than \$1.00.

SEC. 34. It shall be unlawful for any person wantonly to molest or insult any person whomsoever in going to or returning from a religious meeting.

SEC. 35. It shall be unlawful for any person to behave rudely or disorderly in or near any meeting-house or place of religious worship.

Any person offending against either of the last two preceding sections shall be fined not less than one nor more than \$5.00.

SEC. 36. It shall be unlawful for any person to willfully interrupt, molest or disturb any assembly of people met for the worship of God. Any person offending herein shall be fined not less than \$25.00 nor more than \$50.00, and shall be confined in jail not exceeding 30 days.

And it shall be unlawful for any person to wilfully interrupt, molest or disturb any school, literary society, or any society formed for social or moral improvement, organized or carried on under or in pursuance of the laws of this State, or any entertainment, private or public. He shall be fined not less than \$10.00 nor more than \$25.00, and may be imprisoned in the lock-up not exceeding 30 days.

SEC. 37. It shall be unlawful for any persons not married to each other, to lewdly and lasciviously cohabit or be guilty of adultery or fornication. Any persons offending herein shall be fined \$20.00.

SEC. 38. It shall be unlawful for any person to follow any employment or business for which a town license is required without first having paid the same. Any person guilty of offending herein shall be fined not less than one nor more than \$5.00.

SEC. 39. It shall be unlawful for any person to hinder or resist or attempt to prevent or deter by threats, menaces, force or otherwise, any officer of the town from properly discharging the duties of his office, or to refuse when called upon to assist any such officers in making an arrest or quelling a riot. Any person offending herein shall be fined not less than one nor more than \$10.00.

SEC. 40. It shall be unlawful for any person to allow any dangerous chimney, roof or building to remain on his premises, after notice has been given to remove or repair the same by the Sergeant. And any person offending herein shall be fined not more than \$5.00.

SEC. 41. Any dangerous chimney, roof or building may be abated by the Mayor as a nuisance, at the expense of the owner.

SEC. 42. It shall be unlawful for any person to allow any cattle, sheep, horses, mules or hogs to trespass upon any person's lands that may be enclosed within the corporate limits, or for any person to take any apples, peaches, pears, grapes, or berries, or any chestnuts, hickory nuts, walnuts, roasting ears, chickens or other property, not his own, without the consent of the owner. Any person offending herein shall be fined not less than one nor more than \$5.00.

SEC. 43. It shall be unlawful for any person to commit simple

larceny of any goods and chattels within the corporate limits. Any person offending herein shall be fined not less than \$25.00 nor more than \$10.00, and may be confined in jail not exceeding 30 days.

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CHAPTER VII.

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ORDINANCE V,

*Relating to Assessment and Collection of Taxes.*

Sec.	Duties of Assessor.
1.	Levy, Dog Tax.
2.	Tax books.
3.	Collection, Sales.
4.	

Sec.	Dogs not assessed.
5.	Delinquent list.
6.	Delinquent lands, how sold.
7.	

SEC. 1. The Assessor shall annually on or before the 1st day of June make up and return to the Council a true assessment of all personal property and real estate, subject to taxation for municipal purposes, according to the values thereof, including therein a true list of all male persons over 21 years of age not exempt from taxation, and of all dogs, both male and female, with the names of the owners and harborers of such dogs.

SEC. 2. There shall be levied in addition to the levy on real and personal property an annual tax of one dollar on all male persons over 21 years of age and not exempt from taxation for bodily infirmity or other cause, and 50 cents on each male dog and \$1.00 on each female dog. The owner or harborer or head of the family shall pay the tax on any dog owned, harbored or kept by any member of the family. A dog for which no owner can be found, or of whom, if found, the taxes cannot be collected, shall be put to death by the Sergeant or any police officer. For putting a dog to death and removing its body as required by ordinances, such officer shall receive such compensation as the Council may deem reasonable.

SEC. 3. When the property books with the levy extended have been returned by the Assessor, and been examined and found correct by the Council, they shall be turned over to the Sergeant for collection, and he shall receipt therefor and be charged therewith.

SEC. 4. The Sergeant shall immediately proceed to collect the taxes, and after 30 days from the time he receives the books, he may distrain property to enforce the payment thereof. All sales under tax levies, or under executions issued by the Mayor, shall be in the man-

ner prescribed by law for sales under executions issued by Justices. Tax levies shall bear interest from the first day of March next following the time they are levied, and the Sergeant shall be required to account for interest on all moneys not collected and accounted for prior to that time.

SEC. 5. If the Sergeant finds any dog within the year owned or harbored by any one, and not included in the levy, he shall cause the owner or harborer thereof to pay the same taxes on such dog as if he had been duly assessed.

SEC. 6. The Sergeant shall on or before the first day of March in each year return to the Council two separate lists, one of personal property and one of real estate, delinquent for the non-payment of taxes, verified by his affidavit of his inability to collect the same after exercise of due diligence. If the Council is satisfied with the correctness of said lists, the Sergeant shall receive credit for the same in his settlement.

SEC. 7. The delinquent list of lands and lots shall be recorded by the Recorder in a book to be kept for that purpose. And the Recorder, annually, on or before the first day of August, shall certify to the State Auditor a copy of the delinquent list of lands and lots, that the same may be sold in the manner provided by law for the sale of real estate, returned delinquent for the non-payment of State and county taxes.

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## CHAPTER VIII.

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### ORDINANCE VI,

#### *Relating to License.*

- SEC.
1. Intoxicating Liquors.
  2. Druggists.
  3. Physicians.
  4. Sales by agent.
  5. Other license.

- SEC.
6. Exceptions.
  7. License required.
  8. Liquor license applicant.
  9. Revocation of License.
  10. Amounts to be paid for license.

SEC. 1. Within the town of St. George, or within two miles of the corporate limits thereof, no person shall without a town license therefor, furnish intoxicating drinks or refreshments at a theater or other place of public amusement, or sell, offer or expose for sale, at wholesale or retail, spirituous liquors, wines, porter, ale, beer, or any drink of a like nature, and all mixtures or preparations sold as a beverage



by whatsoever name known, whether as "bitters," "hard cider," or otherwise, that will produce intoxication, whether they be patented or not, shall be deemed spirituous and intoxicating liquors within the meaning of this section. Any person violating the provisions of this section, shall, except where it is otherwise provided herein, forfeit and be fined not less than ten dollars nor more than one hundred dollars for every offense, and confined in jail not exceeding thirty days.

SEC. 2. No druggist without a license therefor shall sell spirituous liquors, wine, porter, ale or beer, or any patent mixture or preparation known as bitters, or alcohol, unless for medicinal or miscellaneous purposes; nor shall any druggist sell spirituous liquors or alcohol for medicinal purposes, except upon the written prescription of a practicing physician in good standing in his profession, and not of intemperate habits, specifying the name of the person, and the kind and quality of such liquors to be furnished him, and stating that such liquors so prescribed are absolutely necessary as a medicine, and not as a beverage for such person. For every violation of this section the person so offending shall forfeit and be fined for each offense not less than twenty nor more than one hundred dollars, and confined in jail not exceeding thirty days.

SEC. 3. If any physician shall for the purpose of aiding a druggist or other person in the violation of this ordinance, or for the purpose of enabling any person to obtain spirituous liquors, wines, porter, ale, beer or alcohol, to be used as a beverage, or shall make any false statement in such prescription, he shall be deemed guilty of a misdemeanor, and for every offence he shall be fined not less than ten nor more than one hundred dollars.

SEC. 4. A sale of any such liquors or drinks as is mentioned in this ordinance, by one person for another, shall in any prosecution for such sale be taken and deemed to be a sale by both, and both may be prosecuted and fined therefor either jointly or severally. The proprietor of any place of business, or the head of a family occupying any house, shall be, for every sale made by another at any such place of business or house, deemed to be the principal, and the person who may sell at such principal's place of business or house, be deemed his agent, and upon proof of sale by agent, both shall be liable for said sale, and upon conviction, be fined under the provisions of this ordinance, but the principal shall have the right to prove that he had

no interest in said sale, and that it was made without his knowledge or authority, which when so proven to the satisfaction of the Mayor, the principal shall be discharged.

SEC. 5. Nor shall any person without a town license therefor, keep a hotel or tavern, or carry on the business of a druggist, or keep for public resort a bowling alley, billiard table, bagatelle table, or any table of like kind, or exhibit any circus, menagerie, theatrical performance or public show, to which admission is obtained for money or other reward, or act as hawker or peddler, or act as auctioneer. And for every offense under this section the person offending shall upon conviction forfeit and pay a fine of not less than \$5.00 nor more than \$50.00.

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

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

SEC. 8. Every applicant for a license to sell at retail spirituous liquors, wines, porter, ale or beer, or drinks of like nature, shall produce to the Council satisfactory evidence that he is of good moral character and demeanor, and not of intemperate habits, and in all cases where an applicant wants a license to sell spirituous liquors, wine, porter, ale or beer, or drinks of a like nature, he shall execute bond with good security in a penalty of not less than thirty-five hundred dollars, and not more than five thousand dollars, to be approved by the Council, payable to the town of St. George, conditioned according to law.

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

SEC. 10. The town tax on license mentioned in this chapter shall be as follows :

On every license to sell spirituous liquors, wines, porter, ale, beer or drinks of a like nature, at retail, \$50.00 ; at wholesale, \$150.00.

On every license to sell at retail domestic wines, porter, ale, beer or drinks of a like nature only, \$20.00.

On every license to carry on the business of a druggist, \$10.00 in addition to all other taxes.

On every license to keep a bowling alley or skating rink, \$25.00.

On every license to keep a billiard table, or table of like kind, for public use or resort, twenty dollars.

On every license to keep a bagatelle table, or table of like kind, for public use or resort, ten dollars.

On every license to act as auctioneer, two dollars.

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

But no company or person engaged in manufacturing goods in this State shall be required to pay a license as a peddler for selling such goods, either by himself or his agent. And no resident living within the corporate limits shall be required to pay a license to auction his own goods or wares.

On every license for a hawker or peddler, if the person travel on foot, one dollar per day. If he travel with one or more horses, with or without a wagon, or other vehicle, three dollars per day.

On every license to auction goods, three dollars per day.

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

On every other show not otherwise taxed, one dollar for each exhibition.

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

## CHAPTER IX.

## ORDINANCE VII,

*An Ordinance Relating to Sidewalks, &c.*

SEC.  
1. Who to construct  
2. How made, &c.

SEC.  
3. Notice.  
4. Who to Work on Streets, &c.

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

SEC. 2. If the owner or occupant of any sidewalk, foot-way or gutter, in the corporation of the town of St. George, or of the real property next adjacent thereto, shall fail or refuse to curb, pave, or keep clean, in the manner or within the time required by the Council, it shall be the duty of the Street Commissioner, with the advice of the Street Committee, to cause the same to be done at the expense of the town, and to assess the amount of such expense upon such owner or occupant, and the same may be collected by the Sergeant in the manner herein provided for the collection of corporation taxes. The Street Commissioner or person making such repairs shall keep an accurate account of all expenses incurred by him in making said repairs, and lay the same before the Street Committee, and when found correct by it, shall report the same to the Council, who shall order an assessment upon such owner or occupant, who shall pay the same.

SEC. 3. It shall be the duty of the Street Commissioner to give to the owner or occupant not less than ten days notice by personal service (if found) if not, by posting a like notice on such premises ten days before such repairs is undertaken as is mentioned in the next preceding section.

SEC. 4. Every male resident within the corporate limits of the town of St. George, not under 21 nor over fifty years of age, and who is not a pauper, shall be required to work two days by himself or an acceptable substitute on the roads, streets and alleys within the corporate limits, under the direction of the Street Commissioner, or may be released from such work on the payment to the Street Commissioner the amount of one dollar per day, who shall apply the same upon the improvement of the said roads, streets and alleys, and upon the failure of any person to perform said work or to pay said commu-

tation, then it shall be the duty of the Street Commissioner to return to the Council a list of all persons so failing, who shall assess the said persons with said delinquencies, to be collected in the same manner as the corporation taxes, by the Sergeant, who shall receipt for the same to the Recorder.

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CHAPTER X.

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ORDINANCE VIII,

*An Ordinance Relating to Division Fences.*

SEC.		SEC.	
1.	Who to make and maintain.	5.	Proceedings of Arbitrators.
2.	Permitting to lie open.	6.	Decision, what to contain.
3.	Proportion, how determined.	7.	Notice to be given.
4.	Disputes, how settled.		

SEC. 1. Where two or more persons shall have lands or lots within the corporate limits adjoining, each of them shall make and maintain a just proportion of the division fence between them, except the owner or owners of either of the adjoining lands or lots shall choose to let such land or lot lie entirely uninclosed.

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

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

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

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

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

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

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### *Mayor's Proclamation.*

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*To the People of the Town of St. George, Courts of Justice, and all others  
in interest :*

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

Given under my hand this the 19th day of January, 1888, at St. George, West Virginia.

L. HANSFORD, Mayor.

*Attest :* L. S. ANVIL, Recorder.

ERRATA.

The two last lines of Sec. 43, page 29, should read as follows:  
person offending herein shall be fined not less than \$10.00 nor  
more than \$25.00, and may be confined in jail not less than 30 days.

John J. ...

John J. ...  
M. M. ...