

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA,

PASSED IN 1866--67,

IN THE

NINETY-FIRST YEAR OF THE COMMONWEALTH.

RICHMOND:

JAMES E. GOODE, PRINTER.

1867.

ACTS OF ASSEMBLY.

SESSION 1866-67.

CHAP. 1.—An ACT authorizing the Dismal Swamp Canal Company to issue eight per cent. bonds.

Passed December 6, 1866.

1. Be it enacted by the general assembly, That it may and shall be lawful for the Dismal swamp canal company to issue coupon bonds, bearing interest at the rate of eight per centum per annum; the principal to be paid at such time and place as may be deemed by the company most expedient, and the interest to be paid semi-annually at such place as may be determined on for the payment of the principal of such bonds: provided that the whole amount of bonds, which shall be issued under this act, shall not exceed the sum of two hundred thousand dollars.

May issue 8 per cent. coupon bonds

Principal and interest; how paid

Proviso

2. Be it further enacted, That the said company be and they are hereby authorized to sell and dispose of the bonds authorized by this act, in such mode and on such terms as they may deem advisable, and to give such security for the punctual payment of the said bonds as they may deem expedient.

How bonds may be sold

3. This act shall be in force from and after the confirmation of the same by the legislature of North Carolina.

Commencement

CHAP. 2.—An ACT amending the Charter of the City of Lynchburg, &c.

Passed December 8, 1866.

1. Be it enacted by the general assembly, That the territory contained within the limits prescribed by the act now in force, and by any act hereafter passed by the general assembly, shall be deemed and taken as the city of Lynchburg; and the housekeepers and inhabitants within said limits, and their successors, shall continue to be a corporation, with perpetual succession, by the name and style of The City of Lynchburg; and as such, and by that name, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, take, hold, receive and use goods and chattels, lands and tenements, and choses in action, or any interest, right and estate therein, either for the proper use of the said city, or in trust

Corporation
limits

Corporate
powers

for the benefit of any persons or association therein; and the same may grant, sell, convey, transfer and assign, let, pledge, mortgage, change and encumber, in any case, and in any manner in which it would be lawful for a private individual so to do; and may have and use a common seal, and alter and renew the same at pleasure; and, generally, shall have all the rights, franchises, capacities and powers appertaining to municipal corporations in this commonwealth.

Rights heretofore granted

2. The corporation of the city of Lynchburg shall have all the estates, rights, titles and privileges, all the funds, revenues and claims, and all the powers, capacities, franchises and immunities which are vested in, or conferred upon, or belonged or appertained to, the city of Lynchburg, or the town of Lynchburg, by or under any act or acts of the general assembly heretofore passed, and not repealed by or in conflict with this act.

Mayor and council

3. For said corporation there shall be a mayor. There shall be a board called the council of the city of Lynchburg," which shall be composed of twelve members, of whom, until the council shall otherwise prescribe, six shall be for each ward.

Court of hustings; how composed

4. There shall be a court, which shall be called the court of hustings for the city of Lynchburg; and the members of said court shall consist of a judge and twelve other persons, of which twelve persons, until the council shall otherwise prescribe, there shall be six from each ward. The said court shall have jurisdiction, and the mayor of the city, and the members of the court, shall each have the powers of a justice of the peace, not only within the corporate limits of said city, but also for the space of one mile without and around said city, for matters arising within the range of said jurisdiction, according to the laws of this commonwealth.

Jurisdiction

Powers of the council

5. All the estates, rights, titles and privileges, and all the funds, revenues and claims of the city, shall be under the care, management, control and disposition of the council; and all the corporate powers, capacities, franchises and immunities of the city shall be exercised by the council, or under its authority, unless it be otherwise expressly provided.

Elections; when and where held

6. There shall be an election annually, in each ward of the said city, on the first Tuesday in April, for members of the council; and there shall be an election in each ward, on the first Tuesday in April next, and on the first Wednesday in April in every fourth year thereafter, for a mayor of said city, and for members of the court of hustings other than the judge thereof; and in the event of a failure to hold either of said elections on that day, then such election shall be held on such day as the council may direct.

Term of office

7. The term of office of members of the council and of the mayor, and other members of the court of hustings, except the judge thereof, shall commence on the Saturday after the election.

Sergeant and constable; how appointed

8. At the next May term of the hustings court, held by the recorder and aldermen, and at the May term of said court, held in every fourth year thereafter, there shall be

appointed by said court a sergeant, and a high constable for said city; and at the May term of the hustings court, held by the recorder and aldermen next before the expiration of the terms of office of the persons holding the positions of attorney for the commonwealth and of clerk of such court at the time this act goes into operation, there shall be appointed by said court a clerk thereof (who shall also be the clerk of the said court when the same is held by the judge,) and an attorney for the commonwealth for said court. In the event of a failure to hold a term of said court in the month of May, or to make any of said appointments, then such appointment or appointments shall be made at the next ensuing term of said court. The term of office of the sergeant, high constable, attorney for the commonwealth and clerk, shall commence on the first day of July next succeeding their appointment, and shall continue for four years. The said officers shall give official bonds, conditioned as prescribed for the similar officers in the counties, and the same shall be taken by the said court, in such penalty and with such security as it may deem proper.

Clerk and attorney for the commonwealth

Their term of office

Bonds

9. At such election in a ward, any white male citizen of the commonwealth, of the age of twenty-one years, who resides in such ward, and is qualified to vote in the city for members of the general assembly, shall have a right to vote and be eligible as a member of the council or of the court of hustings.

Who may vote

10. For such election the city shall continue divided (as at present) into two wards, until the council shall lay it off into wards differently, or alter the wards. The said election shall be held at such place in each ward as shall have been prescribed by the council—the president or clerk of the council publishing, previous to the election, notice of the time and place therefor, in two papers of the city for two weeks, or for such other time as the council may direct.

Number of wards

Election; where held

11. For superintending said election the council shall, previous thereto, appoint five persons in each ward as commissioners, any two or more of whom may act to superintend the election in such ward; and the said commissioners shall have such powers and perform such duties as are prescribed by the Code of Virginia for commissioners and superintendents of elections, and shall take such oath of office as is therein prescribed; a certificate of which oath shall be returned to the clerk of the council to be preserved in his office.

Commissioners of election

Their powers and duties and qualifications

12. The poll shall not be opened at any election sooner than sunrise, and shall be closed at sunset; and in no case shall the polls be kept open more than one day. An officer to conduct the election in each ward shall be appointed by the council, or if the council fail to do so, or the officer appointed by it fail to attend, by the commissioners. Under the superintendence and control of the commissioners, it shall be the duty of said officers, (after taking the oath of office prescribed for such officers in the Code of Virginia, a certificate whereof shall be returned to the clerk of the

Polls; how held

Conductor in each ward

His duties

- council), to cause the polls to be opened publicly for the election in the ward for which he is appointed; to proclaim and see recorded the votes admitted by the commissioners; to preserve order and remove force. The said officer shall employ such writers, and at such rate of compensation as the council may direct; or in the absence of such direction, such writers and at such rate as he shall think fit; and they shall respectively take an oath, to be administered by said officer, to record the votes faithfully and impartially. He shall deliver to each writer a poll book for those offices as to which such writer is to record the votes; and each writer shall enter the name of each voter in a column under the name of each person for whom he votes for any of said offices. The said votes shall be given as prescribed by the constitution of the state of Virginia.
13. After the names of all the persons offering to vote, before the time for closing the election, shall have been thus entered, the officer shall conclude the poll. Immediately on the conclusion thereof, the correctness of the poll shall be certified by the commissioners superintending the election and by the officer conducting the same.
14. If a person vote more than once in the same election, all his votes shall be stricken from the poll. This shall be done in an election for members of the council or of the court of hustings, by the officer conducting the election for the ward in which such election is held, and in the election of other officers, by the officers conducting the elections in the several wards. It shall be done upon an examination of the polls, to be had as soon as practicable after they are closed; and the officer or officers shall at the same time attach to the poll a list of the votes stricken therefrom, and the reasons therefor.
15. The officer conducting the election in a ward shall then ascertain, declare and certify what persons are elected in said ward as members of the council; or if an equal number of votes be given for persons, of whom one or more, but not all, could be lawfully elected, he shall certify the name of each of said persons, and the number of votes given for him. He shall also ascertain and certify the name of each person voted for in such ward as a member of the court of hustings, and the number of votes given for him. And the officers conducting the elections in the several wards shall, in respect to each of the other officers for which an election is held, ascertain and certify the name of each person voted for, for such office, and the number of votes given for him.
16. The certificates of said officers, with the polls, shall be delivered by them to the clerk of the council; whereupon the persons appearing by said certificates to be elected in a ward as members of the council for such ward, shall be entitled, after taking the proper oath, to sit in the council until the council shall otherwise decide. The council shall ascertain, and upon their journal enter what persons are elected to the respective offices of the city for which the election was held.
- Writers; their duties, &c
- Poll books; how kept
- Votes; how given
- Closing polls and certifying their correctness
- Double votes stricken from the polls
- List of such votes, and reason therefor
- Certificates of election
- To whom returned
- Qualification of councilmen
- Persons elected entered upon journal of council

17. The council may decide between two or more persons having an equal number of votes for the same office, which of them is elected; it may pass upon the qualifications of persons voted for; it may prescribe the manner of determining contested elections in cases not specially provided for by this act; it may prescribe the fines to be imposed on persons who vote illegally; and, in regard to any other question in respect to which it directs a poll, it may make such rules and regulations as it may deem fit.

In case of tie, council may decide

Contested elections

Fines for illegal voting

18. The council shall certify to the court of hustings, held by the recorder and aldermen, the names of the persons elected from each ward as members of said court. The council shall cause the several persons elected to be notified of their election; and the persons elected members of the court of hustings shall elect from among themselves one person as recorder, and one as senior alderman of the city, and certify such election to said court. The other persons elected members of said court shall be aldermen of the city.

Election of members of court; how certified

Persons elected; how notified

Recorder and senior alderman; how elected

19. The members of the council for any ward, who may be in office at the time an election is held for their successors, shall continue in office until said successors or a majority of them are qualified. The members of the court of hustings elected from any ward, who may be in office at the time an election is held for their successors, shall also continue in office until said successors or a majority of them are qualified. And the mayor and all other persons holding offices mentioned in this charter, shall (unless sooner removed) continue in office, after their terms of service have expired, until their respective successors are qualified.

Members of council continue in office until their successors are qualified. Also other officers

20. If the person who shall have received the highest number of votes for an office be adjudged by the council to be eligible, or if, in the case of a contested election the council decide that neither of the parties to the contest is entitled to the office for which the election was held, it shall, in either of said cases, order a new election to fill the vacancy, and prescribe the time therefor. And, unless the council otherwise direct, such new election shall be conducted and superintended by the same officers who conducted and superintended the previous election, and shall be under the like regulations.

In case of ineligibility, or where neither party is elected, new election held

21. If, during the term for which a person may have been elected to any office herein mentioned, a vacancy occur in said office, otherwise than is mentioned in the preceding and seventh sections, such vacancy may be filled by an appointment for so much of said term as is unexpired. Such appointment shall be by the court of hustings, if the vacancy be in the office of clerk, sergeant, high constable, recorder, senior alderman or any other alderman, and shall, in other cases, be by the council. The appointment, if the vacancy be in the office of recorder or senior alderman, shall be from among the other members of the court; if in the office of any other alderman, or of a member of the council, from among the voters in the ward for which such member of the council was elected, or in which the number of aldermen is

Vacancy; how filled

deficient; and if any other officer, from among those who would be eligible thereto if an election were held under any preceding section of this act.

Persons elected must qualify before acting

22. Neither the members of the council, nor of the court, nor any of the officers provided for the city under this act, shall be competent to act until they shall have taken the oaths or affirmations prescribed by this charter, or the ordinances of the city, before some one competent to administer an oath; and any person so elected, shall not take such oath, and file a certificate thereof in the proper office within such time as the council may prescribe, he shall be considered as vacating his office.

President of the council

23. The council shall elect one of its members to act as president, who shall preside at its meetings, and continue in office one year; and when, from any cause, he shall be absent, they may appoint a president pro tempore, who shall preside during the absence of the president. The president shall sign all ordinances and regulations passed at any meeting, when he presides, or, if he is not present, such ordinances and regulations shall be signed by the person acting as president, when the proceedings are read to the next meeting of the council. The president shall have power, at any time, to call a meeting of the council; and, in case of his absence, sickness, disability or refusal, the council may be convened, by the order, in writing, of any three members of the council, directed to one of the officers of police.

His duties

Power to convene council in his absence, &c., how council may be convened

Quorum

Majority necessary to pass by-laws, ordinances, &c

24. Seven members of the council shall constitute a quorum for the transaction of business; and no by-law, ordinance or regulation, shall be binding, unless the same shall have been passed by the voices of a majority of the members of the council who are present.

Officers' compensation

25. The council shall be authorized to grant such compensation to the mayor, hustings judge and other officers of the city, as they may deem proper, the said compensation to be paid out of the funds of the city.

Council may adopt rules and appoint officers and clerks for their own proceedings
Shall keep a record open for inspection
Ayes and noes; how taken

26. The council shall have authority to adopt such rules and to appoint such officers and clerks, as they may deem proper for the regulation of their proceedings, and for the convenient transaction of their business. They shall keep a record of their proceedings, which shall, at all times, be open to the inspection of any voter of said city, and at the request of any member present, the ayes and noes on any question put, shall be taken and entered in the journal.

May pass ordinances, &c., for the government of the city, and may enforce the same by fines, &c

27. The council shall have authority to pass all by-laws, rules and ordinances (not repugnant to the constitution and laws of this state), which shall be necessary for the good ordering and government of such persons, as shall, from time to time, reside or be within the limits of said city, or shall be concerned in interest therein, for the management of its property and the due and orderly conducting of its affairs, or which shall be necessary or proper to carry into full effect any power, authority, capacity or jurisdiction, which is or shall be granted to, or vested in, the said city, or in the council, the court of hustings or any officer of said

city, or which they shall deem necessary for the peace, comfort, convenience, good order, good morals, health or safety, of said city, or of the people or property therein; and to enforce any or all of their ordinances, by reasonable fines and penalties, not exceeding, for any one offence, the sums limited in this act.

28. The council shall annually appoint a commissioner of the revenue for the city, and such other officers as they may deem proper, in addition to those hereinbefore provided for, and define their powers, and prescribe their duties and compensation; and may take from any of the officers so appointed, bonds with sureties, in such penalties as to the council may seem fit, payable to the city by its corporate name, with condition for the faithful performance of said duties. All officers appointed by the council may be removed from office at its pleasure.

Commissioner of the revenue and other officers

Bonds of such officers

29. The parties to bonds taken in pursuance of the preceding section, their heirs, devisees, executors and administrators, shall be subject to the same proceedings, on the said bonds, for enforcing the conditions and terms thereof, by motion or otherwise, before the circuit court of the city of Lynchburg, or the hustings court of the city, when held by the judge thereof, or any other courts held in the city, which may succeed to their civil common law jurisdiction, that collectors of the county levy and their securities are, or shall be, subject to on their bonds, for enforcing payment of the county levies.

How enforced

30. The council may change the boundaries of the wards and increase the number thereof, and may alter the names of wards and streets, and may apportion the members of the council and aldermen among the several wards according to their population.

Wards and streets; how altered, numbered, &c

31. The council may (if it shall be deemed expedient) cause to be made a survey and plan of the city, showing each lot, public street and alley, the size and number of the lots, and the width of the streets and alleys, with such explanations and remarks as the council may deem proper. The said plan, upon being approved by two successive councils, shall be entered upon the books of the clerk of the council, and shall afterwards be recorded in the office of the clerk of the court of hustings of the city, and remain in said office. It shall be evidence of said lots, streets and alleys— provided that the lots laid down shall be only the lots laid down on the plan of the town, and not the divisions thereof since made: provided that the said survey and plan shall not be approved by either council until they shall have referred the same to a committee, and the accuracy of said survey and plan is certified by said committee.

Survey and plan of the city

How approved and recorded

Of what it shall be evidence

Proviso

32. The council may establish markets in and for said city, appoint clerks and proper officers therefor, prescribe the rents and dues thereof, and the mode of collecting the same, and the times and places for holding such markets, and provide suitable buildings therefor; and they may enforce such regulations as shall be necessary or proper to preserve order

Markets, &c

and cleanliness in such markets, and to prevent huckstering, forestalling and regrating.

Alms-houses

33. The council may erect or provide, in or near the city, suitable houses for the reception and maintenance of the poor and destitute. They shall possess and exercise exclusive authority over all persons, within the limits of the city, receiving or entitled to the benefits of the poor laws; appoint officers and other persons connected with the aforesaid institutions, and regulate pauperism within the limits of the city; and the council, through the agencies it shall appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Authority over paupers

Officers, regulations and management of same

Drunkards, vagrants, &c

34. The council may restrain and punish drunkards, vagrants, mendicants, street beggars and persons of ill-fame; and may take measures to prevent the coming into the city of persons having no ostensible means of support, or of persons who may be dangerous to the peace and safety of the city.

Public buildings

Cemeteries

City grounds

Burials, &c

Magazines

City prison

35. The council may erect and keep in order all public buildings necessary or proper for said city; may provide, in or near the city, lands to be appropriated, improved and kept in order, as places for the interment of the dead, or as places for city grounds, and may charge for the use of ground in said places of interment, and may regulate the same; may prevent the burial of the dead in the city, except in the public burial grounds; may regulate burials in said grounds; and may require the keeping and return of bills of mortality by the keepers or owners of all cemeteries, if the owners live or their office is located in the city; and may provide suitable magazines, in or near said city, for the storage of gunpowder or other combustible and dangerous articles.

36. The council may cause to be erected within said city a city prison, and said prison may contain such apartments as shall be necessary for the safe-keeping and employment of all persons confined therein.

Contagious and other dangerous diseases
Quarantine ground and hospitals

Board of health

37. The council shall have exclusive authority within said city; to secure the inhabitants thereof from contagious, infectious or other dangerous diseases; to establish a quarantine ground for the city; to establish, erect and regulate hospitals in or near said city; to provide for and enforce the removal of patients to said hospitals, and for the appointment and organization of a board of health for said city, and invest it with the authority necessary for the prompt and efficient performance of its duties.

Fire companies, &c

38. The council may take such measures as shall be necessary or proper to prevent accidents by fire, within the said city, or to secure the inhabitants thereof and their property, as far as practicable, from injury thereby; and especially to establish, organize, equip and govern fire companies in said city, and to appoint a fire marshal and assistants, with any or all of the powers which have been or may be vested by law in such officers; and to purchase fire engines or other apparatus, and to keep the same in good order.

39. The council may establish or enlarge water works and gas works within or without the limits of the said city; may contract and agree with the owners of any land for the use or purchase thereof, or may have the same condemned for the location, extension or enlargement of their said works, the pipes connected therewith, or any of the fixtures or appurtenances thereof. They shall have power to protect from injury, by adequate penalties, the said works, pipes, fixtures and land, or anything connected therewith, within or without the limits of said city, and to prevent the pollution of the water with which the city is supplied, by prohibiting the throwing of filth or offensive matter in the river, the canal, or the feeder to the pump house; and for these purposes shall have jurisdiction over the territory of which the court of hustings has jurisdiction.

Water works, gas works, &c

How such works protected from injury, &c

Jurisdiction over such works

40. The council may provide for the appointment, organization, compensation and regulation of a police force for the city; may prescribe the duties and define the powers of the several officers, members and classes thereof in such manner as will most effectually preserve the good order and peace of the said city, and secure the inhabitants thereof from personal violence, and their property from loss or injury; and to this end the persons composing the police of the city, or such of them as the council may designate for the purpose, shall, in criminal cases, have the same powers, duties and fees, and be subject to the same penalties that are prescribed by law as to constables; and in proceedings for violations of this act, or of any ordinance or by-law of the city, said officers shall act to such extent and in such manner as the council may direct.

Police force, regulations, &c

Their powers, duties and fees

41. The council may establish schools and regulate the system of education therein, and appoint from their own body, or from among the citizens, trustees of such schools; may provide and aid in the support of public libraries, to which the citizens may resort; and may establish an Athenaeum or Lyceum for the diffusion of knowledge by lectures or otherwise.

Schools, &c

Public libraries, Lyceums, &c

42. The council may appoint a city engineer, and prescribe his duties, and establish and regulate his compensation or fees of office. The office and powers of said engineer shall be the same as that of a city surveyor, in addition to those duties the council may attach to said office. And all surveys or other acts which shall be made or done by said engineer shall be as valid and effectual as if the same were done by the surveyor of a county.

City engineer

His office and powers

Validity of his acts

43. The council may open or extend, widen or narrow, lay out and graduate, pave and otherwise improve, streets and public alleys in the city, and have them properly lighted and kept in order; and they shall have, over any street or alley in the city, which has been or may be ceded to the city, like authority as over other streets and alleys; they may build bridges in and culverts under said streets, and may prevent or remove any structure deemed dangerous, obstruction or encroachment, over or under or in a street or alley, or any

Streets and public alleys

Bridges and culverts
Obstructions on streets and sidewalks

Shade trees sidewalk thereof, and may have shade trees planted along the said streets; and no company shall occupy with its works, engines or machines, the streets of the city, without the consent of the council.

Landings, wharves and docks
Duty for same
-44. The council may establish, construct and keep in order, and may alter or remove landings, wharves and docks, on land belonging to the city, and may lay and collect a reasonable duty on boats coming to and using the same, and may regulate the manner of using other wharves and landings within the corporate limits.

How property for public purposes may be condemned
-45. The council shall not take or use any private property, for streets or other public purpose, without making to the owner or owners thereof, just compensation for the same. But in all cases where the said city cannot, by agreement, obtain title to the ground necessary for such purposes, it shall be lawful for the said city to apply to, and obtain from the court of the county of Campbell, or the circuit court thereof, if the subject proposed to be condemned lies in said county, or to the court of hustings held by the judge thereof, or the circuit court of the city, if the subject lies within the city, for authority to condemn the same; which shall be applied for and proceeded with as provided by law.

May prohibit the erection of certain buildings
-46. The council may, on the petition of the owner or owners of not less than one-fourth of the ground included in any square of the city, prohibit the erection in such square of any building, or addition to any building, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and to provide for the removal of any such building, or addition which shall be erected contrary to such prohibition, at the expense of the builder or owner thereof, and may provide for the regular and safe building of houses in the city; and if any building shall have been commenced before said petition can be acted on by the council, or if a building in progress appears clearly to be unsafe, the council may have such buildings taken down.

Nuisances
-47. The council may require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be. They may prevent or regulate slaughter houses and soap and candle factories, within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; and may regulate the transportation of coal and other articles through the streets of the city.

Stagnant water, &c
-48. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or owners, occupier or occupiers, thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such ground to be filled up, raised or drained, or may cause such substances to be covered, or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them, by distress and sale, in the same manner in which taxes levied upon real estate, for the benefit of said

How expenses for removal may be collected

city, are authorized to be collected: provided, that reasonable notice shall be first given to the said owners or their agents. In case of non-resident owners, who have no agent in said city, such notice may be given by a publication, for not less than four weeks, in any newspaper printed in said city.

49. The council may prevent hogs, dogs and other animals, from running at large in the city, and may subject the same to such confiscations, regulations and taxes as they may deem proper; and the council may prohibit the raising or keeping of hogs, or other animals, in the city.

Hogs, dogs and other animals

50. The council shall have power to prevent the practice of flying kites and of firing guns, crackers or any combination of gunpowder, or other combustible and dangerous materials, in the city, or the engaging in any employment or sport in the streets thereof, dangerous or annoying to passengers; to prevent the riding or driving of horses, or other animals, or the running of steam engines at an improper speed within the limits of said city, and wholly to exclude the said engines if they please: provided no contract be thereby violated.

Kites, pop crackers, &c

Unlawful riding, driving or running of steam engines, &c

51. The council may require spirituous liquors, wine, oil, molasses, vinegar and spirits of turpentine, in casks, to be gauged and inspected, and may make provisions for the weighing of hay, fodder, oats, shucks or other long forage; they may also provide for weighing or measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes and other articles for sale or barter.

Gauging and inspection of liquors, &c., and weighing of hay, &c., measuring of grain, &c

52. The council may adopt measures to suppress riots, gaming and tippling houses, and upon persons who unlawfully sell by retail wine, ardent spirits or a mixture thereof, may impose fines, in addition to those prescribed by the laws of the state. They may also adopt measures to prevent lewd, indecent or disorderly conduct in the city, and to expel therefrom persons guilty of such conduct, who shall not have resided therein as much as one year.

Riots, gaming and tippling houses

Lewd or disorderly conduct

53. The council may provide workhouses, houses of refuge or houses of correction, prescribe for what conduct, for what time and in what manner, persons may be confined or employed at or in said houses, and may enforce such confinement, and may prescribe discipline for said houses and persons.

Work houses, houses of refuge, &c

54. The council may grant aid to military companies and regiments organized within the city; to societies or associations for the advancement of agriculture and the mechanic arts; to scientific, literary and benevolent societies: provided such societies or associations are located in or near the city, or in the case of agricultural societies, shall hold their fairs in or near the city.

Military companies, benevolent and literary societies, &c

55. The council may grant or refuse licenses to auctioneers, and require taxes to be paid on their licenses in addition to any tax paid by them to the state; and may regulate sales at auction within the city, and require a per centum to be paid on such sales, (except sales in the city under the judgment or decree of a court or magistrate of this state), and

License on auctions, &c

may require bond with security for the payment of such per centum.

Theatrical performances, shows, &c

56. The council may grant or refuse licenses for theatrical performances in a public theatre, or for any public show, exhibition or performance elsewhere, and may require taxes to be paid on such licenses, and make regulations as to any such show, exhibition or performance.

Wagons, drays, hacks, &c

57. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks and other wheeled carriages kept or employed in the city for hire; and may require the owners or keepers of wagons, drays and carts, using them in the city, to take out a license therefor; and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper.

Regulations on same

Hawkers and peddlars

58. The council may grant or refuse licenses to hawkers and peddlars, in the city, or persons to sell goods by sample therein, under such regulations as they may deem proper, and may require taxes to be paid on such licenses.

Agents of insurance companies

59. The council may provide that no agent or sub-agent of any insurance company or office, whose principal office is located out of this city, shall establish or keep any office, or transact the business of his agency within this city, without obtaining a license therefor; and may require payment of a tax on such license, and a per centum on the premiums received by such agent or sub-agent, and bond with security for the payment of such per centum.

Billiard tables, &c

60. The council may grant or refuse a license for keeping billiard tables, ten-pin alleys and pistol galleries, and may impose a tax on said license, or the council may prohibit or regulate the keeping thereof in the city, under such penalties as the council is authorized to impose.

How city may subscribe to stock of incorporated companies

61. On the petition of one-fourth of the freeholders of the city, the council may, by resolution, direct a poll to take the sense of the freeholders of the city on the question, whether the council, on behalf of the city, shall subscribe to the stock of a company incorporated for a work of internal improvement in this state, (which or any part of which is to be constructed in or near the city), an amount not exceeding a certain maximum to be stated in the resolution. The resolution shall designate a certain time for the poll, not less than one month from its date, and shall be published for one month in at least two newspapers of the city. At the time designated, commissioners appointed by the council shall, after taking an oath fairly to take and return the poll, proceed in the city, in like manner as commissioners acting under the provisions of the Code of Virginia, proceed in a county, except that the polls, instead of being freeholders of the county, and at the courthouse of the county and at other places, shall be of freeholders of the city, and at the places at which elections are held in the wards; and instead of being returned to the clerk of the county court, shall be returned to the clerk of the council. If, by the poll books, it appear that a majority of the freeholders of the city voting upon the question, are in favor of the subscription, the council may sub-

How election for same shall be conducted