

ACTS
OF THE
GENERAL ASSEMBLY

OF THE
STATE OF VIRGINIA,

PASSED AT THE
SESSION OF 1869—'70.

RICHMOND:
JAMES E. GOODE, PRINTER.
1870.

Names or numbers of wards to be published with acts of assembly

5. It shall be the duty of the keeper of the rolls to publish, with the acts of the general assembly of the current year, the names or numbers of the several wards within the corporate limits of the cities and towns of this commonwealth, as established by this act.

Inconsistent acts repealed

6. All acts and parts of acts in conflict with this act are hereby repealed.

Commencement

7. This act shall be in force from its passage.

CHAP. 101.—An ACT providing a Charter for the City of Richmond.

Approved May 24, 1870.

CHAPTER I.

Elections.

Charter of city of Richmond; its territory

1. Be it enacted by the general assembly, That the territory contained within the limits prescribed by the act passed February thirteenth, eighteen hundred and sixty-seven, and entitled an act to extend and define the boundaries of the city of Richmond, and by any act hereafter passed by the general assembly of this state, shall be deemed and taken as the city of Richmond; and the inhabitants of the city of Richmond, for all purposes for which towns and cities are incorporated in this commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of The City of Richmond, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent and appertaining to said city as a municipal incorporation.

Corporate name Powers

Administration and government

2. The administration and government of the said city shall be vested in one principal officer, to be styled the mayor; one board, to be called the council of the city of Richmond; and in such other boards and officers as are hereinafter provided for.

Wards

3. The said city shall be divided into five wards, which number of wards the city council hereafter may increase as they may deem it expedient. Every such division shall be made in such manner as to include an equal number of voters in each ward, as nearly as conveniently may be, consistent with the well defined limits of each ward. Until such revision be made, the boundary lines of wards shall remain as now established.

Irregular elections

4. The council shall provide, by ordinance, for any irregular election not herein provided for, and appoint the necessary officers to conduct the same.

Regular elections

5. The election of municipal officers, hereinafter mentioned, shall be held on the fourth Thursday in May next, and on the fourth Thursday in May in every second year thereafter, ex-

cept for the election of city treasurer, who shall be elected on the said Thursday in every third year thereafter; and whenever two or more persons are to be elected to the same office, the several persons, to the number required to be chosen, having the highest number of votes, shall be declared elected.

6. If it shall appear by said election returns, at any election, that any municipal officer has not been elected, or if any person elected to a municipal office shall refuse to accept the office to which he has been elected, the city council shall issue their warrants for a new election to fill such offices; and the same proceedings shall be had as are hereinbefore provided for a general election, and repeated from time to time until all of said officers shall be elected. If it shall appear that any such officer shall not have been elected by reason of two or more candidates having received an equal number of votes, the city council shall, by ballot, elect such officer from the two candidates having the highest number of votes.

New election

Where two or more candidates receive equal number of votes

7. The mayor and the members of the city council, before entering upon the duties of their respective offices, shall be respectively sworn in accordance with the laws of this state. Such oaths may be administered to the mayor elect by any judge of a court of record commissioned to hold any such court within said city; and the members of the city council by the mayor, being himself first sworn as aforesaid, or by any judge of any court of record as aforesaid; and a certificate of such oaths having been respectively taken, shall be filed with the city clerk, and entered upon the journal of the city council. Every other person elected or appointed to any office under this act, or under any law, or ordinance of the city council, shall, before he enters upon the duties of said office, take and subscribe said oath and such other oaths as may be required by law or ordinance, before the mayor or city clerk, the said clerk having himself been first sworn by said mayor or a judge of a court of record as aforesaid; and a certificate of the same shall be filed in the office of said city clerk. If any person elected or appointed to any office in said city shall neglect to take such oath for thirty days after receiving notice of his election or appointment, or shall neglect, for the like space of time, to give such securities as may be required of him by the city council, as hereinafter provided, or as may be hereafter required by any law or ordinance, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any such vacancy shall occur, another election shall be ordered or another appointment made, according to the directions of this act.

How mayor and city council shall qualify

Certificate; where filed

How other officers qualify

Certificate; where filed
Failure to qualify, &c., in thirty days, vacates office

Vacancy; how filled

CHAPTER II.

Mayor.

8. The mayor shall be elected by the qualified voters of the city of Richmond for the term of two years, and until his successor shall be elected, and qualify; and no person shall be qualified to hold the office of mayor except such as shall be

Mayor; how elected, and term of office
Who may hold such office

- qualified to hold office under the constitution of this state. His salary shall be fixed by the city council, payable at stated periods; and he shall receive no other compensation or emolument whatsoever: and no regulations diminishing such compensation, after it has been once fixed, shall be made to take effect until after the expiration of the term for which the mayor then in office shall have been elected. The salary of the mayor, when fixed, shall so continue until changed by the city council as aforesaid.
- Salary**
- His jurisdiction and powers** 9. He shall, by virtue of his office, possess all the jurisdiction and exercise all the powers and authority, in criminal cases, of a justice of the peace of said city, in addition to the powers hereby given to him by virtue of this act, or that may hereafter be given to him by virtue of any other act of assembly; but he shall receive no fees for his services as such justice of the peace.
- Shall receive no fees**
- General statement to council** 10. It shall be his duty to communicate to the city council annually, as soon as may be after the commencement of the fiscal year, and oftener if he shall deem it expedient, or be required by said council, a general statement of the situation and condition of the city in relation to its government, finances and improvement, with such recommendations as he may deem proper.
- His power over subordinate officers** 11. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall also have power to suspend or remove such officers for misconduct in office, or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defence. On the removal or suspension of such officer or officers, the mayor shall report the same, with his reasons therefor, to the city council, at their next stated meeting.
- Shall not remove subordinate without notice**
- Removal or suspension to be reported to council**
- When president of council shall act as mayor** 12. In case of the absence or inability of the mayor, the president of the city council shall possess the same powers and discharge the municipal duties of the mayor during such absence or inability.
- How vacancy in office of mayor filled** 13. In case a vacancy shall occur in the office of mayor, the city council shall elect a qualified person to supply the vacancy until his successor shall be elected and qualified, which election shall be at the next election held in the city.

CHAPTER III.

City council.

- City council** 14. The council of the city of Richmond shall be composed of twenty-five members, or more, according as the number of wards of said city, as hereinbefore provided, shall be increased.
- Five from each ward** The several wards of said city shall be respectively represented in said city council by five councilmen, who shall be

residents of their respective wards, and shall not be less than twenty-one years of age. They shall be elected by the electors of their respective wards, and hold their offices, respectively, for one year. Term of office

15. In the case of any vacancy happening in the city council, by death, removal from the city, resignation, or otherwise, the city council shall elect a qualified person to supply the vacancy until the next election which may be held in the city, when the vacancy shall be filled by election for the unexpired term. Vacancy in council; how filled

16. The council shall elect one of its members to act as president, who shall preside at its meetings, and continue in office for the 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, or the president pro tempore, who shall preside when the proceedings of a previous meeting are read, shall sign the same. 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. President of council
His duties
How council convened in absence

17. The council shall have the 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 business; to compel the attendance of absent members; to punish its members for disorderly behavior; and, by a vote of two-thirds of the council, to expel a member for malfeasance or misfeasance in office. They shall keep a journal of their proceedings, and their meetings shall be open, except when the public welfare shall require secrecy. Rules, officer and clerks of council
Power of memb.

18. A majority of the members of the council shall constitute a quorum for the transaction of business. But on all ordinances or resolutions appropriating money, exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, the yeas and nays shall be entered on the journal. No vote shall be reconsidered or rescinded, at a special meeting, unless at such special meeting there be present as large a number of members as were present when such vote was taken. Quorum
Yeas and nays
Journal
When convened

19. The city council shall have, subject to the provisions herein contained, the control and management of the fiscal and municipal affairs of the city, and of all property, real and personal, belonging to the said city; and may make such ordinances, orders, and by-laws, relating to the same, as it shall deem proper and necessary. They shall likewise have the power to make such ordinances, by-laws, orders, and regulations as they may deem desirable to carry out the following powers, which are hereby vested in them: Powers of council

I. To establish markets in and for said city; appoint clerks and proper officers therefor; prescribe the times and places for holding the same; provide suitable buildings therefor, and to enforce such regulations as shall be necessary or proper to prevent huckstering, forestalling, and regrating. Market

II. To erect or provide, in or near the city, suitable work-houses, houses of correction or reformation, and houses for the Work-houses
&c.

Poor of the city reception and maintenance of the poor and destitute. They shall possess and exorcise 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.

Public build-
gs, squares
id parks

III. To erect and keep in order all public buildings necessary or proper for said city; to open, regulate, and ornament public squares and parks.

City prison

IV. To erect 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.

and gas

V. To establish or enlarge water works and gas works within or without the limits of the said city; 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.

Protection from

of. 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 in the river, by prohibiting the throwing of filth or offensive matter therein above the said water works, within one mile above said water works.

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VI. To establish, construct and keep in order, alter or remove, landings, wharves, and docks, on lands belonging to the city; and to lay and collect a reasonable duty on vessels coming to and using the same, and to regulate the manner of using other wharves and landings within the corporate limits; to prevent or remove all obstructions in and upon any landings, wharves or docks. They may also appoint port wardens for the port of said city, prescribe their duties, and fix their fees or compensation.

and pub

VII. To close 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 good 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 or alleys. They may build bridges in, and culverts under, said streets; and may prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or any sidewalk thereof, and may have shade trees planted along the said streets; and no company shall occupy with its works the streets of the city, without the consent of the council. In the meantime, no order shall be made and no injunction shall be awarded, by any court or judge, to stay the proceedings of the city in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants, are transcending the authority given them by this act, and that the interposition of the court

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is necessary to prevent injury that cannot be adequately compensated in damages.

VIII. To prevent the cumbering of streets, avenues, walks, public squares, lanes, alleys, or bridges, in any manner whatever.

Cumbering of streets, &c.

IX. To authorize the laying down of city railway tracks, and the running of horse cars thereon, in the streets of the city, under such regulations as they may prescribe.

City railways

X. To determine and designate the route and grade of any railroad to be laid in said city, and to restrain and regulate the rate of speed of locomotives, engines, and cars upon the railroads within the said city, and may wholly exclude the said engines or cars, if they please: provided, no contract be thereby violated.

Route and grade of railroad; locomotives, &c.

XI. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of heavy draught used upon the streets of said city: provided, however, that this section shall not apply to vehicles coming into and not owned in said city.

Breadth of wagon tires, &c.

XII. To require spirituous liquors, wine, oil, molasses, vinegar, and spirits of turpentine, in casks, to be gauged and inspected; and may make such provision for the weighing of hay, fodder, oats, shucks, or other long forage, as will not be in conflict with the act passed the twenty-second of March, eighteen hundred and forty-seven, to prevent the authorities of said city from laying and collecting a tax on the bales of hay sent by the farmers of the state to said city. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

Gauging and inspection of liquors, &c.
Weighing hay, &c.

Measuring grain, &c.

XIII. To require every merchant, retailer, trader, and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection; and may impose penalties for any violation of any such ordinance.

Sealing weights and measures

XIV. To 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; and to provide or aid in support of public libraries and public schools.

Military companies, agricultural and mechanical societies, &c.

XV. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals; to provide for and force the removal of patients to said hospitals; for the appointment and organization of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties.

Contagious diseases, hospitals and board of health

XVI. To provide, in or near the city, lands to be appropriated, improved, and kept in order, as places for the interment of the dead, and may charge for the use of ground in said places of interment, and may regulate the same; may prevent the burial of dead in the city, except in the public burial

Burial grounds

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.

Quarantine

XVII. To establish a quarantine ground for the city; but if said ground shall extend below the eastern boundary of the city on the river, the assent of the county court of Henrico shall be first obtained.

Abatement of nuisances

XVIII. To 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; to 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 to regulate the transportation of coal and other articles through the streets of the city.

Slaughter houses, soap and candle factories

Stagnant water, filth, &c.; how removed

XIX. 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 therein, 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 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 publication for not less than four weeks in any newspaper printed in said city.

Notice to owner

Powder magazines, &c.

XX. To direct the location of all buildings for storing gunpowder or other combustible substances, and to regulate the sale and use of gunpowder, fire-crackers or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphine, burning fluid, or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of candles and lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards.

Fire works, &c.

Hogs, dogs, &c.

XXI. To 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 in the city.

Fast driving, flying kites, abuse of animals, &c.

XXII. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing stones, or the engaging in any employment or sports in the streets or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse of animals.

Drunkards, vagrants, &c.

XXIII. To restrain and punish drunkards, vagrants, mendicants, and street beggars.

Prevention of vice and immorality, gaming houses, &c.

XXIV. To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-

fame and gaming houses; to prevent lewd, indecent, and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who shall not have resided therein as much as one year.

XXV. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, to be drunk in any canal boat, store, or other place not duly licensed; and to forbid the selling, or giving to be drunk, any intoxicating liquors to any child or young person without the consent of his or her parents or guardian; and for any violation of any such ordinance, may impose fines in addition to those prescribed by the laws of the state.

Vending liquors without license, &c.

XXVI. To prevent the coming into the city, from beyond the limits of the state, of persons having no ostensible means of support, or of persons who may be dangerous to the peace and safety of the city; and for this purpose may require any railroad company, or the captain or master of any vessel bringing such passengers to Richmond, to enter into bond, with satisfactory security, that such persons shall not become chargeable to the city for one year, or may compel such company, captain, or master to take them back from whence they came, and compel the persons to leave the city if they have not been in the city more than thirty days before the order is given.

Prevention of improper persons coming into the city, &c.

20. Where, by the provisions of this act, the city council have authority to pass ordinances on any subject, they may prescribe any penalty, not exceeding five hundred dollars, (except where a penalty is herein otherwise provided for), for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the jail of said city for any term not exceeding three calendar months; which penalties may be prosecuted and recovered, with costs, in the name of the city of Richmond. And the city council may subject the parent or guardian of any minor, or the master or mistress of any apprentice, to any such penalty for any such offence committed by such minor or apprentice.

Power of council to prescribe penalties and imprisonment

21. No ordinance hereafter passed by the city council, for the violation of which any penalty is imposed, shall take effect until the same shall have been published for five days successively in two of the daily newspapers of said city, to be designated by the said council. A record or entry made by the clerk of said city, or a copy of such record or entry, duly certified by him, shall be prima facie evidence of the time of such first publication; and all laws, regulations, and ordinances of the city council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, either from a copy thereof certified by the clerk of said city, or from the volume of ordinances printed by the authority of the city council.

Publication of ordinances

22. 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

How used as evidence

Private property; how taken for public purpose

the said city to apply to and obtain from the circuit or county court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lies within this city, for authority to condemn the same; which shall be applied for and proceeded with as provided by law.

Where building or fence encroaches upon street; how removed

Penalty

No length of encroachment to give adverse possession

Five years public use of street, &c., to vest right of city therein

Street or alley reserved in recorded plat deemed to be public

No agreement between contiguous owners to divest public use

How expense of new street, &c., to be determined

When public improvement to be made by local assessment

Collection of local assessment

23. In every case where a street in said city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown, the occupant or occupants of the premises so encroaching, to remove the same. If such removal shall not be made within the time ordered by the council, they may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same processes that they are hereinafter empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute an adverse possession to, or confer any rights upon, the person claiming thereunder, as against said city.

24. Whenever any street, alley, or lane shall have been opened to and used as such by the public for the period of five years, the same shall thereby become a street, alley, or lane for all purposes, and the city shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, and lanes laid out by it. And any street or alley reserved in the division or sub-division into lots of any portion of the territory within the corporate limits of the city, by a plat or plan of record, shall be deemed and held to be dedicating to the public use; and the council shall have authority, upon the petition of any person interested therein, to open such street or alley, or any portion of the same. No agreement between, or release of interest by, the persons owning the lands immediately contiguous to any such alley or street, whether the same has been opened and used by the public or not, shall avail or operate to abolish said alley or street as to divest the interest of the public therein, or the authority of the council over the same.

25. Whenever any new street shall be laid out, a street graded or paved, a culvert built, or any other public improvement whatsoever made, the city council may determine what portion, if any, of the expenses thereof ought to be paid from the public treasury, and what portion by the owners of real estate benefited, or may order and direct that the whole expense be assessed upon the owners of real estate benefited thereby.

But no such public improvement shall be made, to be defrayed in whole or in part by a local assessment, until first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement, or unless at least three-fourths of all the council shall concur in voting any improvement to be expedient, or in determining to make the same after allegations have been heard; in which case, no petition or request shall be necessary. The council shall have the same powers to collect such local assessments for improve-

ments as are hereinafter vested in them for the collection of taxes.

26. The city council shall grant and pay to all city officers, clerks, and assistants, elected or appointed under or in pursuance of this act, such salaries or compensation as the said city council may from time to time deem proper, or shall be fixed by this or any other act of assembly hereafter enacted. Salaries of city officers

27. If any person, having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from office, and upon notification and request of the city clerk, or within such time thereafter as the city council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs. And all books, records, and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the city council, or any superior officer of said city, shall be deemed the property of said city and appertain to said office, and the chief officer thereof shall be responsible therefor. Penalty for failure of former officer to deliver to his successor all public property, &c., under his charge, &c.

CHAPTER IV.

City officers.

28. There shall be one auditor, one city treasurer, one collector of city taxes, one commissioner of the revenue, one city attorney, one city engineer, one city clerk, and such clerks and assistants as the city council may see fit, by ordinance, to prescribe and furnish. City officers

29. The council may appoint such officers and clerks as they may deem proper, in addition to those herein provided for, and define their powers and prescribe their duties and compensation, and may take from any of the officers, &c., 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. Other officers; how appointed; their duties, &c.

30. 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 Richmond, or any other courts held in the city which may succeed to the civil common law jurisdiction of said court, 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. May be removed at pleasure of council

31. The city auditor shall be elected by the qualified voters of the city of Richmond. He shall hold his office for the term of two years, and until his successor be appointed and qualify, unless sooner removed. He shall hold his office in such place as may be designated and prescribed by the city council. He shall give bond, with sureties, to the amount of Liabilities of such officers; their securities, &c., on their official bonds Jurisdiction over same City auditor; his term of office, &c. Bond

	not less than thirty thousand dollars, which shall be determined by the city council, before he enters upon the duties of his office; said bond to be approved by the said city council, entered on their record, and filed in the office of the city clerk.
His duties	The said auditor shall open and keep, in a neat and methodical manner, a complete set of books, under the direction of the city council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue, so far as he can ascertain the same. Said books, and all papers, vouchers, contracts, bonds, receipts, and other things kept in said office, shall be subject to the examination of the mayor, the members of the city council, or any committee or committees thereof.
His records subject to examination of mayor and council	
Charge of auditor over city revenue officers	32. The said auditor shall be charged with and exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection, or disbursement of the city revenues, and the collection and return of such revenues into the city treasury. He shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts, choses in action, belonging to the said city, except such as are confided to the custody of the city clerk, and such other papers as may be committed to his care by the city council, by ordinance or otherwise.
Custody of city deeds, contracts, &c.	
He shall audit all claims against the city, &c.	33. The said auditor shall have power to examine all accounts, claims, and demands for or against the said city; and no money shall be drawn from the treasury or paid by the city to any person, except as herein otherwise provided, unless that balance due or payable be first settled and adjusted by the said auditor; and for the purpose of ascertaining the true state of any balance or balances so due, he shall have, and is hereby clothed with, full power and authority to administer an oath or oaths to the claimant or claimants, or any other person or persons, whom he may think proper to examine as to any fact, matter, or thing concerning the correctness of any account, claim, or demand presented; and the person so sworn shall, if he swear falsely, be guilty of wilful and corrupt perjury, and be subject to punishment by imprisonment in the penitentiary for not less than one nor more than five years.
He may administer oaths	
How money found due by auditor paid	34. All money found to be due and payable by the said auditor to any person, shall be drawn by said auditor by warrant on the treasurer, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the warrant of the auditor, as aforesaid. But the auditor is forbidden to issue his warrant for the payment of any money in excess of the appropriation on account of which said money is drawn.
No warrant to be issued in excess of appropriation	
Revenue officers; how charged	35. It shall be the duty of said auditor, as nearly as may be, to charge all officers in the receipt of revenues or moneys of the city, with the whole amount, from time to time, of such receipts; he shall also require of all officers in receipt of city moneys that they shall submit reports thereof, with vouchers and receipts of payment therefor into the city treasury,
Reports to auditor; how often	

weekly or monthly, or as often as he shall see fit to require the same by any regulation which he may adopt; and if any such officer shall neglect to make an adjustment of his accounts, when required as aforesaid, and to pay over such moneys so received, it shall then be the duty of said auditor to issue notice in writing, directed to such officer and his securities, requiring him or them, within ten days, to make settlement of his said account with the auditor, and to pay over the balance of moneys found to be due and in his hands belonging to the said city, according to the books of said auditor; and in case of the refusal or neglect of such officer to adjust his said accounts or pay over said balance to the treasurer as required, it shall then be the duty of said auditor to make report of the delinquency of such officer to the mayor, who shall at once suspend him from office, proceed forthwith to institute the necessary proceedings for the removal of such officer from office, and immediately on his removal, institute suit in the name of said city against him and his securities to recover the balance of moneys so found to be due and in his hands belonging to said city.

Notice to delinquent officer

Delinquency reported to mayor, who has power to suspend, &c.

36. The auditor shall make out an annual statement, as soon as possible after the end of each fiscal year, giving a full and detailed statement of all the receipts and expenditures during the said year. The said statement shall also detail the liabilities and expenditures during the year, the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, the balances of money then remaining in the treasury, with all sums due and outstanding, the names of all persons who may have become defaulters to the city, and the amounts in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city.

Auditor's annual statement

37. The auditor shall annually submit to the city council, at their first stated meeting after the beginning of the fiscal year, a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the current fiscal year. He shall in said report class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he is authorized to require of all city officers and heads of departments their statements of the condition and expense of their respective departments and offices, with any proposed improvement, and the probable expense thereof, of contracts already made and unfinished, and the amount of unexpended appropriations of the preceding year. He shall also in such report show the aggregate income of the preceding fiscal year, from all sources; the amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable during the year, when due and where payable, so that the city council may fully understand the money exigencies and demands of the city for the current year.

Annual estimates to council

Auditor may require heads of departments to make statements to him

What auditor's report shall show

38. In addition to the other duties of the said auditor, it is hereby made his duty, on the last day of each and every month, to make out a monthly statement, giving a full and detailed account of all moneys received, from what sources and on

Auditor's monthly statement

what account received, and of all moneys ordered to be paid or drawn for by warrant by him, and on what account the same have been paid; and shall deliver said statement to the said city council at their next meeting, to be filed, after the adjournment of said council, by the city clerk with the papers belonging to his office.

City treasurer 39. There shall be elected by the qualified voters of the city of Richmond, in the same manner as is provided hereinbefore for the election of mayor of said city, at the first charter election, and every three years thereafter, one city treasurer, who shall hold his office for the term of three years, and until his successor be elected and qualified, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than one hundred thousand dollars; said bond to be approved by the city council, entered on their records, and filed in the city clerk's office.

His duties 40. The said treasurer shall receive all moneys belonging to the city, and shall keep his office in some place designated by the council. He shall keep his books and accounts in such manner as the city council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and any member of the city council, or any committee or committees thereof.

How money paid out 41. No money shall be paid out by the treasurer except upon the warrant of the auditor, issued as hereinbefore provided, and he shall keep a separate account of each fund or appropriation, and the debits or credits belonging thereto.

How money paid to treasurer 42. All moneys to be paid into the treasury of the city, except the bills for gas and water, and such other assessments as the city council may so ordain, shall be paid by the person liable to pay the same, or his agent, to the treasurer, in the following manner: a warrant shall first be obtained from the auditor, directing the treasurer to receive the sum to be paid, specifying on what account the payment is to be made. Upon the payment of the money to the treasurer, he shall give a receipt for the same, which shall be carried to the auditor, and his receipt therefor shall be the acquittance of the party making the payment. Bills for gas and water, and such other assessments as the city council may so ordain, shall be paid directly to the treasurer, who shall keep an account thereof, and make daily reports of such receipts to the auditor.

Gas and water bills

Treasurer's monthly account 43. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the auditor, showing the state of treasury at the date of such account, and the balance of moneys in the treasury. He shall also, if required so to do by the auditor, accompany such account with a statement of all moneys received into the treasury, and on what account, with a list of all warrants redeemed and paid by him during the month.

Treasurer's annual report to council 44. The treasurer shall also report to the city council, at the end of each fiscal year, and oftener if required, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury. He shall also keep a register of all warrants, their date, amount, num.

No list of warrants

ber, the fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined, at the time of making such annual report to the city council, by a committee thereof, who shall examine and compare the same with the books of the auditor, and report discrepancies, if any, to the city council.

45. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment for which the assessment was made; and said money shall be used for no other purpose whatsoever. Special funds

46. The treasurer may be required to keep all moneys in his hands, belonging to the city, in such place or places of deposit as the city council may by ordinance provide, order, establish, or direct. Such moneys shall be kept distinct and separate from his own moneys; and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, the city council shall elect a qualified person to fill said office until the next regular charter election, when the qualified voters of said city shall, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the remainder, if any, of the unexpired term of the officer removed. Where city money to be kept — — —
Treasurer not to use city money for his own use
In case of his removal, how vacancy filled

47. There shall be elected by the qualified voters of the city of Richmond, one collector of the city taxes, who shall hold his office for the period of two years, and until his successor shall be appointed and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than fifty thousand dollars, said bond to be approved by the city council, entered on their records, and filed in the office of the city clerk. City collector
Bond

48. Said collector shall collect all taxes and assessments which may be levied by said city, and perform such other duties as may be herein prescribed or ordained by the city council. He shall keep his office in such place as may be designated and prescribed by the city council, and shall keep in his said office, besides his collection and revenue warrants, such other books, vouchers, records, and accounts, as the city council may direct and prescribe, all of which shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee or committees thereof. His duties, &c.
His books, &c., to be inspected by mayor

49. The said collector shall make report in writing, under oath, to the auditor, weekly, or oftener if required, the amount of all moneys collected by him, and shall pay the same into the city treasury in the manner hereinbefore provided. At the end of each fiscal year he shall submit to the city council a statement of all moneys by him collected during the year, and the particular warrant, assessment, or account upon which collected, and the balance of moneys uncollected on the warrants in his hands or returned to the auditor, and a copy of such statement shall also be filed with the auditor of said city. Collector's weekly report to auditor
His annual report to council

Collector not to keep funds of city in his hands 50. The said collector is expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation to his use, beyond the time prescribed for the payment of the same into the city treasury; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, a suitable person shall be appointed by the city council to fill said office, until his successor shall be elected and qualified at the next election held in the city.

In case of removal, how vacancy filled

Collector to sell real estate for non-payment of taxes 51. It shall be the duty of said collector to conduct all the proceedings and render all the service necessary to perfect the sale and transfer of real estate in said city, where the same shall be sold or advertised for sale for the non-payment of any tax or assessment imposed by the city council, as hereinafter provided.

Collector's deputies

52. The said collector may, with the consent of the city council, appoint a deputy or deputies, who may be removed from office by the said collector, by the mayor, or by the city council. During the continuance in office of the said collector, a deputy of his may discharge any of the duties of the office of collector; but the collector and his sureties shall be liable therefor.

Penalty for collector's selling land for which he has received taxes

53. If the said collector shall receive any money for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards sell the same, at any sale for taxes or assessments, for the tax or assessment which has been so paid and receipted for by himself or his deputy, he and his sureties shall be liable to the holder of the certificate given to the purchaser at the sale for double the amount on the face of the certificate, to be demanded within three years from the date of sale, and recovered in any court having jurisdiction of the amount; and the city shall in no case be liable to the holder of such certificate.

Commissioner of revenue

54. There shall be elected by the qualified voters of the city of Richmond one commissioner of the revenue, who shall hold his office for the period of two years, and until his successor shall be appointed and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars; said bond to be approved by the city council, entered on their record, and filed in the office of the city clerk.

Bond

His duties

55. The said commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the city taxes that may be ordered by the city council. He shall keep his office in such place as may be designated and prescribed by the city council, and shall keep therein such books, schedules, and records, and in such manner as the mayor and city council may direct and prescribe; which books, records, and other papers shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee or committees thereof, and of the collector of city taxes.

56. To aid the commissioner of the revenue in his duties, the clerks of the several courts of the city of Richmond and of the county of Henrico shall, as required respectively, deliver to him such lists as are mentioned in the seventh and eighth sections of the thirty-fifth chapter of the Code of Virginia of eighteen hundred and sixty, as far as may relate to lands in said city.

Clerks of Richmond and Henrico courts to deliver to him lists of deeds, &c.

57. As soon as said commissioner of the revenue shall have ascertained the value of all the real and personal property taxable in said city, he shall make complete schedules of the same, and leave them in his office open to the inspection and examination of all persons interested therein; and he shall give notice by six days' publication in two of the daily newspapers of said city of the time and place, when and where such inspection and examination may be made. Said schedules shall be kept open for the period of ten days from the time of the first publication of such notice, so that any person feeling aggrieved by the assessment of his or her property, may appear and make his or her objection. The said commissioner of the revenue shall hear and consider all objections which may be made, and shall have power to alter, add to, take from, and otherwise correct and revise his assessment; and he shall have power to examine any person on oath as to the value of his personal property, and also to examine under oath such other persons as witnesses in relation thereto as he may deem proper, and for that purpose may administer oaths and issue process to compel the attendance of witnesses before him. Any person feeling aggrieved at the decision of the said commissioner of the revenue may appeal to the city council, whose decision shall be final. Any person who shall refuse to make under oath a full disclosure of all the facts necessary to enable said commissioner of the revenue to make a fair and just assessment of his personal taxable property, when duly called upon by said commissioner of the revenue so to do, or to answer such questions as may be put to him in relation thereto, shall be assessed a gross sum, in the judgment of the commissioner of the revenue, double the correct assessment of his personal taxable property.

Commissioner's schedule

How inspection of schedule had

How long schedule kept open

Commissioner's power as to schedule

Party aggrieved may appeal to council
Penalty for failure to give commissioner information

58. The said commissioner of the revenue may, with the consent of the city council, appoint an assistant or assistants, who may be removed from office by the said commissioner, by the mayor, or by the city council. During the continuance in office of the said commissioner, an assistant of his may discharge any of the duties of the office of commissioner; but the commissioner and his sureties shall be liable therefor.

Commissioner's assistants

59. The city council shall appoint a suitable and proper person, who shall be the attorney and counsel for the corporation, who shall hold his office for the term of two years, unless sooner removed, and until his successor shall be appointed and qualify. He shall receive such compensation as the council may determine, to be paid by the city. Said attorney shall have the management, charge, and control of all the law business of the corporation and the departments thereof, and of all the law business in which the city shall be interested; shall

Attorney for the corporation; term of office, &c.

His duties

draw all leases, deeds, and legal papers for the same, and be the legal adviser of the mayor, city council, or any committee thereof, and of the several departments of said corporation; and when required, shall furnish written opinions upon any subjects involving questions of law submitted to him by them. He shall appear as counsel for the said corporation in any civil case in which it is interested, depending in any court in the city of Richmond; and when the constitutionality or validity of any ordinance is brought in issue in any penal prosecution, or when the mayor shall direct a prosecution for a nuisance, he shall appear for the prosecution when the case shall come into court. He shall also prosecute in the court of the police justice, and receive such fees of office as are allowed by law to attorneys for the commonwealth for like service; and he shall perform such other duties as are or may be required of him for the city by any ordinance or resolution of the city council.

He shall prosecute in court of police justice

May authorize another to appear for him

60. He shall have power and authority, from time to time, during his continuance in office, with the consent of the mayor, to authorize an attorney or other person to appear for him in his name and on behalf of said corporation, and conduct and defend suits and proceedings in all courts and places.

His office and docket

61. Said attorney for the corporation shall keep his office in such place as the city council may direct, and shall keep therein a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such causes; and said docket shall at all times be open to the inspection of the mayor, the members of the city council, and the city auditor.

City engineer

62. There shall be elected by the qualified voters of the city of Richmond one engineer for the city, who shall hold his office for the period of two years, and until his successor shall be appointed and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars; said bond to be approved by the city council and filed in the office of the city clerk.

Bond

His assistants and clerks

63. The said engineer shall have such assistants and clerks as the city council may allow and approve; but such assistants or clerks may be removed at any time by the mayor or by the city council.

His duties

64. The said engineer shall be the general superintendent of the streets, culverts, public buildings, and all public improvements. He shall make such surveys, reports, drawings, plans, specifications and estimates as the city council may require of him, and do, in relation thereto, whatever else it may direct. 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 a surveyor of a county. He shall keep his office in such place as the city council may direct, and shall keep therein all maps, drawings, and papers pertaining to his office. He shall keep a record of all his proceedings, and a set of books, in which shall be entered, under appropriate heads, the receipts and expenditures of his department; and all the books and papers of his office shall be open at all times to the inspection

His surveys valid

His office, records, &c.

of the mayor, to the members of the city council, or to any committee or committees thereof.

65. There shall be one city clerk appointed by the city council, who shall hold his office for the period of two years, and until his successor shall be appointed and qualified, unless sooner removed from office by the city council. City clerk

66. The said city clerk shall attend the meetings of the city council and keep a record of its proceedings. He shall have the custody of the corporate seal. He shall keep all papers that, by the provisions of this act or by the direction of the city council, are required to be filed with or kept by him. It shall also be his duty, immediately after the close of each session of the city council, to make and present to the mayor a transcript of every ordinance, resolution, and order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order, and act of a legislative character, passed by the city council at such session. He shall, in like manner, transmit to the auditor a transcript of all ordinances, resolutions or orders appropriating money, or authorizing the payment of money, the issue of bonds or notes; and to the heads of all departments of the city government all ordinances, resolutions or orders relating to their departments. He shall, in like manner, give notice to parties presenting communications or petitions to the city council of the final action of the council on such communication or petitions. He shall publish such reports and ordinances as the city council are required by this act to publish, and such other reports and ordinances as they may direct, and shall, in general, perform such other acts and duties as the city council may from time to time require of him. His duties
Transcript of ordinances, &c., to mayor
To auditor
He shall inform parties interested in final action of council
He shall publish reports and ordinances

CHAPTER V.

Finances.

67. The city council may, in the name and for the use of the city, contract loans or cause to be issued certificates of debt or bonds; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years: provided, however, that they shall not contract such loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purposes without first being authorized so to do by three-fourths of the legal voters of the city voting on the question, and the council shall, when such debt or loan is created, provide a sinking fund for the payment of the same. Neither shall the city endorse the bonds of any such company without the same authority. City council may contract loans redeemable within thirty-four years
Proviso

68. Whenever hereafter there shall be contracted by the city any debt not payable within the next twelve months, there shall be set apart annually, for thirty-four years, or until the debt is paid, a sum exceeding by one per centum the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction; which sum shall be applied and invested towards the payment of such debt in the same man- Sinking fund

ner as hereinbefore provided for the present existing debt of the city.

Taxation

69. For the execution of its powers and duties, the city council may raise annually, by taxes and assessments in said city, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient, in accordance with the laws of this state and the United States: provided, however, that they shall impose no tax on the bonds of said city, nor on any capital invested in real estate or employed in manufacture outside the city limits, although the person or persons engaged in said business or manufacture have a place of business in said city.

Proviso

Things not to be taxed

Neither shall they impose any tax at the same time upon the stock of a corporation and upon the dividends thereon; nor upon any capital, interest, income, or dividends when a license or other tax is imposed upon the business in which the capital is employed, or upon the principal money, credit, or stock from which the interest, income, or dividend is derived. Said taxes shall be equal and uniform upon all property, both real and personal. The capital invested in all business operations shall be assessed and taxed as other property. Assessments upon all stock shall be according to the market value thereof.

Taxes to be equal and uniform

Stock assessed at market value

Licenses

70. The city council may grant or refuse licenses, and may require taxes to be paid on such licenses, to agents of insurance companies whose principal office is not located in said city; to auctioneers; to public, theatrical, or other performances or shows; to keepers of billiard tables, ten-pin alleys, and pistol galleries; to hawkers and peddlers in the city, or persons to sell goods by sample therein; to agents for the sale or renting of real estate; to commission merchants, and all other business which cannot be reached by the ad valorem system under the preceding section. They may also grant or refuse such license to all sellers of wine or spirituous or fermented liquors, and require taxes to be paid on such license, in addition to other taxes imposed.

Licenses on liquors

Taxes on wagons, &c.

71. 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, and prescribe their fees and compensation.

Council may vest in collector powers of sheriff to collect taxes

May prescribe his mode of proceeding, and proceeding against him

All goods, &c., liable for taxes; trust or mortgage no bar while goods remain in hands of grantor, or otherwise

72. The council may vest in the collector of the city taxes, and of assessments for the use of water, gas, or other purposes, any or all of the powers which are now or may hereafter be vested in a sheriff as collector of the state taxes; may prescribe the mode of his proceeding, and the mode of proceeding against him for the failure to perform his duties.

73. All goods and chattels, wheresoever found, may be distrained and sold for taxes assessed and due thereon; and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such

deed prevent the goods and chattels conveyed from being distrained and sold for taxes assessed thereon, no matter in whose possession they may be found.

74. Any payment of taxes made by a tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent, and where any tax is paid by a fiduciary on the interest or profit of moneys of an estate invested under an order of court or otherwise, the tax shall be refunded out of such estate.

Where tenant or fiduciary pays taxes

75. There shall be a lien on real estate for the city taxes as assessed thereon from the commencement of the year for which they were assessed. The city council may require real estate in the city, delinquent for the non-payment of taxes, to be sold for said taxes, with interest thereon at the rate of twelve per centum per annum, and such per centum as they may prescribe for charges. Such real estate shall be sold, and may be redeemed under the provisions hereinafter made.

Lien on real estate for taxes

How delinquent land sold

76. The collector of city taxes shall, under the direction of the city council, cause a notice of the time and place of such sale to be published, in all the daily newspapers published in said city, at least ten days previous to such sale; and he shall also cause to be published in one or more of said daily papers, on some day not more than twenty days nor less than ten days previous to such sale, a list of the several parcels of real estate so to be sold, describing therein each parcel of real estate in the same manner as the same is described in the assessment rolls in which the said tax or assessment is imposed thereon, together with the name of the person to whom each parcel is assessed, and the amount of the tax or assessment thereon.

Notice of such sale

77. If such tax or assessment, and the per centage, interest, and expenses aforesaid, be not paid previous to the day for which said sale was advertised, or on some day immediately thereafter, to which said sale may be adjourned, the collector shall proceed to make sale, accordingly, of the said several parcels of real estate, or so much thereof as may be necessary, to the highest bidder; and the sale may be adjourned from day to day until it shall be completed. On such sale the collector shall execute to the purchaser a certificate of sale, in which the property purchased shall be described, and the aggregate amount of tax or assessment, with charges and expenses specified; but the collector shall not for himself, either directly or indirectly, purchase any real estate so sold.

How such sale made

Certificate of sale

78. If at any such sale no bid shall be made for any such parcel of land, or such bid shall not be equal to the tax or assessment, with interest and charges, then the same shall be struck off to the city. On such sale the collector shall execute to the city a certificate of sale, in which the property purchased shall be described, and the aggregate amount of tax or assessment, with charges and expenses specified, and shall deposit such certificate with the auditor.

When city may become purchaser

79. The owner of any real estate so sold, his heirs or assigns, or any person having a right to charge such real estate for a debt, may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the sale thereof, the

How and within what period such estate may be redeemed

amount for which the same was sold, and such additional taxes thereon as may have been paid by the purchaser, his heirs or assigns; or, if purchased by the city, with such additional sums as would have accrued for taxes thereon if the same had not been purchased for the city, with interest on the said purchase money and taxes at the rate of twelve per centum per annum from the time that the same may have been so paid; or the same may be paid within the said two years to the city treasurer in any case in which the purchaser, his heirs or assigns, may refuse to receive the same, or may not reside or cannot be found in the city of Richmond.

Rights of persons under disability; how saved

80. Any infant, married woman, insane person, or person imprisoned, whose real estate may have been so sold, or his heirs, may redeem the same by paying to the purchaser, his heirs or assigns, within two years after the removal of the disability, the amount for which the same was so sold, with the necessary charges incurred by the purchaser, his heirs or assigns, in obtaining the title under the sale, and such additional taxes on the estate as may have been paid by the purchaser, his heirs or assigns, and the appraised value of any improvement that may have been made thereon, with interest on the said items, at the rate of twelve per centum per annum from the time the same may have been paid. Upon such payment within two years after the removal of such disability, the purchaser, his heirs or assigns, shall, at the cost of the original owner, his heirs or assigns, convey to him or them, by deed with special warranty, the real estate so sold.

Deed to purchaser of such estate; how executed, and within what time

81. The purchaser of any real estate, sold for taxes and not redeemed, shall, after the expiration of two years from the sale, obtain from the city auditor a deed conveying the same, wherein shall be set forth what appears in his office in relation to the sale. When the purchaser has assigned the benefit of his purchase, the deed may, with his assent, evidenced by his joining therein, or by a writing annexed thereto, be executed to his assignee. If the purchaser shall have died, his heirs or assigns may move the court of hustings of said city to order the auditor to execute a deed to such heirs or assigns.

Deed to assignee or heirs

Effect of such deed, if recorded within sixty days

82. When the purchaser of any real estate, sold for taxes, his heirs or assigns, shall have obtained a deed therefor, and within sixty days from the date of such deed shall have caused the same to be recorded, such estate shall stand vested in the grantee in such deed as was vested in the party assessed with the taxes (on account whereof the sale was made) at the commencement of the year for which the said taxes were assessed, notwithstanding any irregularity in the proceedings under which the said grantee claims title, unless such irregularity appear on the face of the proceedings. And if it be alleged that the taxes, for the non-payment of which the sale was made, were not in arrear, the party making such allegation must establish the truth thereof by proving that the taxes were paid.

Onus probandi

When city becomes purchaser, how it may acquire title

83. In case that any real estate, struck off to the city as hereinbefore provided, shall not be redeemed within the time specified, the city auditor shall, within sixty days after the expiration of two years from the sale, cause to be recorded

such certificate of sale, with his oath that the same has not been redeemed, and thereupon the said corporation, or their assignees, shall acquire an absolute title to the same in fee. The said certificate may be acknowledged, or proved, and recorded in the same manner that deeds are recorded, and the said certificate, or the record thereof, or a copy of said record, duly authenticated, shall, in all courts and places, be presumptive evidence of the facts therein stated and of the regularity and correctness of such sale, and of all proceedings prior thereto.

Effect of certificate of sale as evidence

CHAPTER VI.

Police and fire departments.

84. The police department of the city of Richmond shall be under the general control and management of police commissioners thereof, who shall consist of the mayor, the president of the city council, and the police justice, and shall constitute a board of police commissioners for said city; of which board the mayor shall be president, and shall have a casting vote. Any two of said commissioners shall form a quorum for the transaction of any business, except the appointment or dismissal of members of the police force, hereinafter otherwise directed. Said board may adopt rules and by-laws for the government thereof, and also may establish, promulgate, and enforce proper rules, regulations, and orders for the good government and discipline of said police force: provided, that said rules, regulations, and orders shall not in any way conflict with any ordinance of the city council or of the provisions of this act, or the constitution and laws of this state or of the United States.

Police commissioners; who

Mayor to have casting vote

Quorum

Powers of board

Proviso

85. The said police commissioners, after taking the oath of office as such commissioners, shall meet at the office of the mayor, or other suitable place, at such time as may be expedient, and as they shall from time to time designate, and on special occasions, as the mayor may, in writing, appoint. They shall perform the duties of said office without any compensation, reward, or salary therefor from said city, except that nothing herein shall in any way conflict with the payment of the salary elsewhere provided to be paid to the said mayor and police justice for their services in their respective offices.

Meetings of said board

86. It shall be the duty of said police commissioners to select from among the electors of said city, and unanimously appoint by warrant of appointment, bearing the signatures of all three of said commissioners, to be immediately filed with the city clerk, so many permanent policemen, officers, and patrolmen as may be authorized by the city council; and said board shall also appoint, with the approval of the city council, one chief of police, through whom said board may promulgate all rules, regulations, and orders to the whole force, and who shall have immediate direction and control of said force, subject, however, at all times to the rules, regulations, and orders of said board, and to the orders of the mayor: provided, that

Policemen, officers and patrolmen; how appointed

Chief of police; how appointed; his powers

Term of office
of policemen
and chief; how
removed

the orders of such single commissioner do not conflict with the rules, regulations, or orders of said board then in force; and said chief and each policeman of said police force, appointed in manner as aforesaid, may hold his respective office during the term of good behavior, or until said board, by unanimous vote, shall remove him; but in case of misconduct on the part of such chief or any member of said police force, then he may be removed by the decision of a majority of said board, as hereinafter provided, or by the city council.

Additional po-
licemen; how
appointed for
exigency

87. In times of exigency, said commissioners, or a majority of them, or any one of them, if the others should be absent from the city or unable to act, may appoint temporarily, without authority from the city council, a suitable number of additional policemen for such time as shall appear necessary; not, however, to extend beyond the time of the next meeting of the city council.

Power of mayor
to suspend any
member of
police force;
how long

88. The mayor, at any time, upon charges being preferred, or upon finding said chief or any other member of said police force guilty of misconduct, shall have power to suspend such member from service until the board of commissioners shall convene and take action in the matter: provided, however, that such member shall not remain so suspended for a longer period than thirty days without an opportunity of being heard in his defence; and upon hearing the proofs in the case, a majority of said commissioners may discharge or restore such member, in accordance with the decision of the majority of such board thereon; and the pay or salary of such member shall cease from the time of suspension to the time of restoration to service, unless otherwise ordered by said board of commissioners in their written decision, which shall be filed with the city clerk; and any violation of the rules, regulations, or orders of the board, or orders of any superior, shall be good cause for dismissal.

Pay during sus-
pension

Salary and pay
of police; how
determined, &c.

89. The salary or pay of said chief and policemen shall be determined by the city council, and all bills of expense on account of the police department shall be audited by at least two of said commissioners.

Warrant of ap-
pointment of
police force

90. The said chief of police and every policeman duly appointed as aforesaid, shall have issued to him a warrant of appointment, signed by the president of the board and countersigned by the city clerk, stating the date of his appointment, which shall be his commission; and he shall take such oath as the city council may ordain, and subscribe the same in a book to be kept for that purpose by the said city clerk.

Qualification

Powers of police
force

91. The said chief of police and policemen shall generally have power to do whatever may be necessary to preserve the good order and peace of said city, and to secure its inhabitants from personal violence and their property from loss and injury. Such number of the said police force as the board of police commissioners may designate shall, in criminal cases, have the same powers and duties and be subject to the same penalties that are prescribed by law as to constables.

92. The said board of commissioners may prescribe such uniform and badges for the police force as they may deem proper, and direct in what manner they shall be armed. And if any person other than a policeman shall publicly wear such uniform and badges as may be prescribed as aforesaid, he may be subjected to such fine, not exceeding the sum of one hundred dollars, as the city council may ordain.

Uniform, badges and arms of force
Penalty for others than police wearing badges, &c.

93. As soon as said commissioners shall have entered upon the discharge of their duties, and appointments of police are made in the manner as herein provided, then all the policemen and the chief of police, who shall be in service previous thereto, shall immediately vacate their offices respectively, unless reappointed as herein provided.

Former police to vacate unless reappointed

94. The city council may organize and maintain a fire department for said city, and appoint a chief engineer and assistants, with any or all of the powers which have been or may be vested by law in such officers. They may also make rules and regulations for the government of the officers and men of said fire department; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses or badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise; shall fix their pay, and may impose reasonable fines for the breach of any such regulations. They may also make such ordinances as they may deem proper to extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need.

Fire department; how organized, &c.

Rules, regulations, pay, &c.

95. For the purpose of guarding against the calamities of fire, the city council may, from time to time, designate such portions and parts of the said city as it shall think proper within which no buildings of wood shall be erected, and may regulate the manner of construction of all buildings. They may prohibit the erection of wooden buildings in any portion of the city without permission obtained from them, and shall, 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, or some other fire proof material; and may 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 if any building shall have been commenced before said petitions 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.

Control over erection of wooden buildings, &c.

Power to remove buildings not fire-proof

96. Whenever any building in the said city shall be on fire, it shall be the duty of and be lawful for the chief engineer to order and direct such building, or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down and destroyed; and no action shall be maintained against any

Control of chief engineer over buildings on fire, &c.

Application for
damages for
destruction of
such buildings;
how made, &c.

person or against the said city therefor. But any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the city council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the city council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection, and payment of the same in the same manner as is provided for the ascertainment, assessment, collection, and payment of damages sustained by the taking of land for purposes of public improvement.

Commissioners
to appraise such
damages; their
duties

97. The commissioners appointed to appraise and assess the damages incurred by the said claimant, by the pulling down or destruction of such building, or any part thereof, by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of all said damages of the said claimant. But any party feeling aggrieved thereby, may appeal to the circuit court for the city of Richmond, which court, in taking jurisdiction thereof, shall be controlled by the laws regulating assessment of damages to real estate in other cases.

Their report

Appeal to cir-
cuit court

CHAPTER VII.

The judiciary.

Clerks for cir-
cuit, hustings
and chancery
courts; term
of office

98. There shall be elected by the qualified voters of said city, at the first charter election, and every six years thereafter, one clerk for the circuit court, one clerk for the hustings court, and one clerk for the chancery court of the city of Richmond, who shall serve for the period of six years, and until their successors be elected and qualify. They shall receive, in compensation for their services, the fees and emoluments allowed by law to clerks of the circuit courts.

Fees, &c.

Common-
wealth's
attorney

99. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one commonwealth's attorney for the circuit court, who shall also prosecute in all cases in the hustings court of the city of Richmond. He shall hold his office for a term of two years, and until his successor be elected and qualify, unless sooner removed, and shall receive such compensation for his services as may be prescribed by law.

100. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one sheriff of the city of Richmond, who shall, before entering upon the duties of his office, give bond, with good security, in a penalty of not less than one hundred thousand dollars nor more than three hundred thousand dollars, as shall be required by the judge before whom he shall execute the same, whose powers and duties, liability, responsibility, emoluments, and term of office shall be, so far as not inconsistent with the provisions of this act, the same as now provided by law in respect to the sheriff of the city of Richmond.

Sheriff; term of office, bond, &c.

101. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one city sergeant, who shall serve for two years, and until his successor be elected and qualify, unless sooner removed. He shall keep his office in such place as the city council may provide and appoint, and shall receive such compensation for his services as the city council shall determine. Before entering upon the duties of his office, the said city sergeant shall give bond and security in such amount as the said city council shall determine; which bond shall be approved by the said council, entered on their records, and filed in the office of the city clerk.

Sergeant; term of office

Compensation and bond

102. The said sergeant shall attend the terms of the court of hustings, and act as the officer thereof. He shall also in all respects, except as to the collection of taxes, have the same powers and authority, and shall perform the duties, and be subject to the same liabilities and penalties, and be proceeded against in the same manner as sheriffs.

His powers and duties

103. There shall be elected by the qualified voters of the city of Richmond at the first charter election, one high constable for said city, who shall hold his office for the term of two years, and until his successor be appointed and qualify, unless sooner removed from office. Said high constable shall keep his office in such convenient place in the city as may be designated by the city council, and shall receive such compensation for his services as the said council shall determine. He shall in civil cases have the same powers and duties and be subject to the same penalties as are prescribed by law to other constables, and shall perform such duties as the city council may ordain, not in conflict with the provisions of this act, the laws of this state, or the laws of the United States.

High constable; term of office

Compensation, powers and duties

104. Before entering upon the duties of his office, the said high constable shall give bond and security, in such amount as shall be required by the city council, for the faithful discharge of the duties of his office; which bond shall be approved by the said council, entered on their record, and filed in the office of the city clerk. Said high constable may appoint one or more deputies to attend to and execute the duties of his office; but the sureties on the bond of the high constable shall be equally liable for the acts of the deputy or deputies as for those of their principal.

His bond

His deputies

Sergeant to attend hustings, and sheriff the circuit and chancery courts

Police justice; his duties to be defined by council

Three justices for each ward; their term of office

Powers and duties

Inconsistent acts repealed

Commencement

105. The sergeant of the city of Richmond shall be the officer of the hustings court, and the sheriff of the city of Richmond shall be the officer of the circuit court, and also of the chancery court.

106. There shall be appointed by the city council one police justice, whose duties shall be defined by the city council, and who shall be, ex officio, a justice of the peace, and have such other powers and jurisdiction as shall be conferred upon him by the city council, not in conflict with the constitution and laws of the United States and of the state of Virginia.

107. There shall be elected by the qualified voters of each ward, three justices of the peace for each ward of the said city, who shall be residents of their respective wards, and shall hold office for the term of two years, and until their successors be elected and qualify, unless sooner removed from office. They shall be designated by the city council as first, second, third, etc., justices. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Richmond, and shall have the same powers and duties within said limits as are provided by law in respect to justices of the peace in counties of this state in their respective counties, except that nothing herein contained shall be construed as vesting in said justices any portion of the jurisdiction given by this act to the police justice.

108. All acts and parts of acts in conflict with this act are hereby repealed.

109. This act shall be in force from its passage.

CHAP. 102.—JOINT RESOLUTION requesting the Governor to return to the House of Delegates an act entitled an act, &c.

Agreed to April 13, 1870.

Governor requested to return act as to county court of Pittsylvania

Resolved (the senate concurring), That the governor be respectfully requested to return to the house of delegates an act entitled an act authorizing the county court of Pittsylvania to hold a monthly term of said court in the town of Danville, No. 39.

CHAP. 103.—JOINT RESOLUTION instructing the Keeper of the Rolls to retain Senate Bill No. 111.

Agreed to May 13, 1870.

Senate bill as to sergeant of Alexandria ordered to be retained

Resolved by the house of delegates (the senate concurring), That the keeper of the rolls be instructed to retain senate bill No. 111, entitled an act in relation to the city sorgeant of Alexandria.