

ACTS

AND

JOINT RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA,

AT

THE SESSION OF 1874.

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RICHMOND:  
R. F. WALKER, SUP'T PUBLIC PRINTING.  
1874.

expences; which said sum shall be paid out of any money in the treasury not otherwise appropriated upon the passage of this bill.

Commencement 2. This act shall be in force from its passage.

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CHAP. 117.—An ACT Repealing so much of the Act in force December 28, 1871, entitled an Act to Provide for the Protection of Fish in the Waters of New River and its Tributaries, as applies to that portion of New River above the Point where the Dividing Line between the Counties of Carroll and Grayson crosses said River.

Approved March 16, 1874.

Repeal of part  
of act relative  
to fish in New  
river. See acts  
1871-2, c. 13,  
p. 11, and Code  
of 1873, c. 100,  
§ 35-6, p. 814

1. Be it enacted by the general assembly, That the act in force December twenty-eight, eighteen hundred and seventy-one, entitled an act to provide for the protection of fish in the waters of New river and its tributaries, so far as it applies to that portion of New river above the point where the dividing line between the counties of Carroll and Grayson crosses said river, be, and the same is hereby repealed.

Commencement 2. This act shall be in force from its passage.

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CHAP. 118.—An ACT Providing a Charter for the City of Manchester.

Approved March 20, 1874.

Corporate limits  
of City of Man-  
chester

1. Be it enacted by the general assembly, That the territory contained within the limits prescribed by the act entitled an act to extend the corporate limits of the town of Manchester, passed March twenty-second, eighteen hundred and seventy-one, and by any act hereafter passed by the general assembly of this state, shall be deemed and taken as the city of Manchester, and the inhabitants of the city of Manchester, 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 Manchester, 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 pertaining to said city as a municipal incorporation. That all property, real and personal, owned by and belonging to the town of Manchester, shall pass to and be held by the city of Manchester in the same manner and subject to the same trust as the same is now held by the trustees of the town of Manchester; and the said city of Manchester shall be responsible for all liabilities and obligations of the trustees of the town of Manchester. Said city and its inhabitants shall be exempt from all assessments of

City incorpo-  
rated  
Corporate pow-  
ers

Property of  
town to pass to  
city

Trust property  
to pass in like  
manner

Exempt from  
levies of Ches-  
terfield county

levies, in the way of taxes, imposed by the board of supervisors of Chesterfield county, or any other authorities whatever in said county, for any purpose whatever, except upon property in the said county of Chesterfield owned by the inhabitants of said city; nor shall the said inhabitants be liable to serve upon juries in said county, except in cases especially provided by law: provided, however, that the said city of Manchester shall contribute its due proportion to the payment of all debts due and liabilities heretofore contracted or incurred by the county of Chesterfield. And whenever the board of supervisors of said county shall notify the mayor of said city, in writing, that any debt or liability now existing upon said county is due, and payment of the same has been demanded, it shall be the duty of the common council of said city to provide, in their next annual levy for taxes upon said city, a sufficient sum of money to pay the proportionable share of said city's liability for the particular debt or debts specified in said notice. The last assessment for county and state purposes made in said county prior to the passage of this act shall be the basis of contribution between said city and county in the adjustment of any such liability. Any sum or sums of money required of said city as aforesaid by the board of supervisors of said county, shall be paid out of the treasury of said city upon a warrant drawn upon said treasury by the president of said board of supervisors, under the order of said board, and endorsed by the mayor of said city upon the order of the common council.

Exception

City liable for its proportion of debts, heretofore contracted by county

Council to provide therefor when notified, by levy

Basis of taxation in such case

How such taxation to be paid

2. The city shall consist of four wards, whose names and bounds shall be as follows: First ward, containing all that portion of the city lying below or on the eastern side of Seventh street; Second ward, containing all that portion of the city lying between Seventh street and Tenth street; Third ward, containing that portion of the city lying on the southern side of Hull street and western side of Tenth street; Fourth ward, containing all that portion of the city lying on the northern side of Hull street and western side of Tenth street, extending to the limits of the corporation. The boundaries of said wards may be altered by a vote of three-fourths of the members of the council.

Wards of city

How wards may be altered

3. The administration and government of the city shall be vested in one principal officer, to be styled the mayor, one board, to be called the council of the city of Manchester, and in such other boards and officers as are hereinafter mentioned or may be provided for by the council.

Mayor, council and other officers to govern city

4. There shall be elected by the qualified voters of the city of Manchester, a commonwealth's attorney, a commissioner of the revenue, and a city sergeant, whose term shall be two years, a treasurer and a constable, whose terms shall be three years, a mayor, whose term shall be two years, and a clerk of the court of hustings, whose term shall be six years. There shall be elected by the qualified voters of each ward, one justice of the peace, who shall be a resident of the ward, and whose term of office shall be two years, and annually,

Attorney for commonwealth, commissioner of revenue, sergeant, treasurer and constable; how and when elected  
Mayor; when elected  
Clerk of hustings court  
Justices of peace; their term of office

**Council; how and when elected**  
**Their terms**  
**Elections of all officers, when to take place, and how conducted**

one member of the city council, who shall be a resident of the ward, whose term shall be three years: provided, that at the election held on the fourth Thursday in May next, there shall be elected three councilmen from each ward, whose terms shall be one, two, and three years, respectively. All elections for city officers, whether for regular terms or to fill vacancies, shall be held on the fourth Thursday in May; and the officers then elected shall enter upon the duties of their offices on the first day of July following, and hold office until their successors are duly elected and qualified, unless sooner removed from office. Said elections shall be conducted under the provisions of the general election laws of the state. When 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.

**How officers appointed on failure to elect, or refusal to accept office**  
**How decided in case of a tie**

5. 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 said office, the council shall elect such officer or officers, either from the candidates or from the citizens qualified to hold office, or, if it shall appear by said election returns that any such officer shall not have been elected by reason of two or more candidates having received an equal number of votes, the council shall elect such officer from among said candidates, and such officer or officers shall, after being qualified according to law, hold such office or offices until their successors shall be elected and qualified.

**Vacancies in offices; how supplied**

6. In case a vacancy shall occur in any municipal office, the city council shall elect a qualified person to fill said office, who shall hold his office until the vacancy is supplied by a regular election for the unexpired term at the next general election in May, and until his successor is qualified.

**Oaths of office; by whom administered**  
**Failure to qualify and give bonds vacate office**  
**Vacancy supplied**

7. The mayor and all other municipal officers of said city, 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 by the judge of the court of hustings, by the clerk of said court, or by a notary public duly qualified. 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, for the like space of time, neglect to give such securities as may be required of him by the council, or by any law or ordinance, he shall be considered as having declined such office, and the same be deemed and declared vacant; and whenever any such vacancy shall occur, another election or appointment shall be made by the council, and the person so elected or appointed shall hold said office until his successor shall be elected and qualified.

**Irregular elections to be provided for by council**

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

9. It shall be the duty of the mayor 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 improvements, with such recommendations as he may deem proper.

Mayor's annual messages to council

10. He shall see that the ordinances of the city council are faithfully executed, and that all offenders or violators of such ordinances are punished as directed by such ordinances. He shall, by virtue of his office, possess all the authority in criminal and civil cases of a justice of the peace of the said city, in addition to the powers 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 all fees received by him for his services as such justice of the peace shall be paid by him into the city treasury.

Powers and duties of mayor

Fees to be paid into city treasury

11. He shall exercise a constant supervision over, and shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath; the evidence given by persons so examined, shall not be used against them in any criminal proceedings. He shall also have power to suspend or remove such officers, whether they be elected or appointed, 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.

Mayor's supervision over other officers

Power to suspend or remove officers

12. The salary of the mayor shall be one hundred dollars annually for every thousand inhabitants of the city, or any fractional part thereof, as determined by any legal census, payable at stated periods, and he shall receive no other compensation or emolument whatever.

Mayor's salary

13. In case of the absence or inability of the mayor, the president of the council shall possess the same powers and discharge the municipal duties of the mayor during such absence or inability.

Who to act in mayor's absence

*City Council.*

14. The council of the city shall be composed of twelve members. Each ward shall be represented by an equal number of councilmen, who shall be residents of their respective wards and be qualified to hold office. They shall be elected by the electors of their respective wards, and hold their office as hereinbefore provided.

City council; how constituted and elected

15. At its first regular meeting in July in each year, the city council shall elect one of its members to act as president, who shall preside at the meetings of the council and continue

President of council

- in said office one year and until his successor is elected, and when from any cause he shall be absent, the council shall elect a president pro tempore, who shall preside over the council during such absence. The record of the proceedings of the council shall be signed by the officer presiding when said record is read and approved. The president shall have power to call a meeting of the council whenever he deems it necessary; and, in case of his absence, or inability or refusal, the council may be convened by the order, in writing, of any three members of the council. The city council shall, by ordinance or resolution, fix the time for their stated meetings; and no business shall be transacted at a special meeting but that for which it shall be called.
- Authentication of council journal Meetings; how called**
- Power to adopt rules and appoint officers**
16. The city council shall have authority to adopt such rules, and appoint such officers, committees, or 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 three-fourths of the whole council, to expel a member for malfeasance or misfeasance in office, or gross neglect of official duty. They shall keep a record-book, in which their clerk shall record the proceedings of the council, and keep the same properly indexed. The meetings of the council shall be open, except when the public welfare shall require secrecy.
- May expel members Records of council Duty of clerk Proceedings to be open**
- Quorum of council**
17. 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 five hundred dollars, imposing taxes, or authorizing the borrowing of money, at least seven members shall concur, and the yeas and nays shall be entered upon the record; and at the request of any member present, the yeas and nays on any question put, shall be taken and entered upon the record. No vote or question decided at a stated meeting shall be rescinded at a special meeting, unless there be at least ten members present and seven of them shall concur.
- Recording of votes; when and how required**
- Regulation as to rescinding votes**
- Salaries or pay of officers**
18. 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.
- Control of council over affairs and property**
19. The council shall have, subject to the provision herein contained, the control and management of the fiscal and municipal affairs of the city, and all property, real and personal, belonging exclusively to said city, as now provided by law, 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:
- Ordinances and by-laws**

*Markets.*

I. To establish and regulate markets in and for said city; appoint proper officers therefor; to prescribe their duties and compensation; to prescribe the times and places for holding the same; keep in order suitable buildings therefor; to adopt and enforce such rules and ordinances respecting said markets as, in their opinion, the convenience or interest of the inhabitants of said city shall require, and adopt such rules and ordinances as may be necessary to regulate or prevent huckstoring, forestalling, and regrating.

Markets; how established and regulated

Huckstoring, forestalling and regrating

*Workhouse, Poorhouse, &c.*

II. To erect or provide, in or near the city, suitable work-houses, houses of correction or reformation, and 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 said city receiving or entitled to the benefits of the poor laws, appoint officers and other persons connected with the aforesaid institution, fix their compensation, and regulate pauperism within 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 the overseers of the poor.

Power to erect workhouse and poorhouse

Provide for poor

*Public Buildings and Grounds.*

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 in or near the city.

Public buildings and grounds, squares and parks

*City Prison.*

IV. To provide, within said city, a city prison; and said prison may contain such apartments as shall be necessary or proper for the safe-keeping of all persons confined therein.

City prison

*Water-works and Gas-works.*

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. They shall have power to protect from injury, by adequate penalties, the said works, pipes, fixtures, and lands, 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 the dam or feeder leading to the present water-works, or any that may be hereafter established.

Water and gas works

*Wharves and Docks.*

Wharves and  
docks

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

*Streets and Alleys.*

Power over  
streets, walks  
and alleys

Bridges and  
culverts

Shade trees

VII. To close or extend, widen or narrow, lay out, graduate, curb, and pave, and otherwise improve streets, side-walks, and public alleys in the city, and have them kept in good order and properly lighted; and over any street or alley in the city which has been or may be ceded or conveyed to the city by proper deed, they shall have like power and authority as over other streets and 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 any street, side-walk, or alley, avenue or public square in said city, and may permit shade trees to be planted along said streets; but no company shall occupy with its works, or any appurtenances thereof, the streets, side-walks, or alleys of the city, without the consent of the council, duly entered upon its record. 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 work, 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 is necessary to prevent injury that cannot be adequately compensated in damages.

*Railways.*

City railways  
and the running  
of cars

Route and grade  
of railroad and  
speed of locomotives

May exclude  
them

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

IX. 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 said engines or cars, if they please, provided no contract be thereby violated.

*Vehicles.*

Regulations for  
vehicles

X. 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.

*Inspection.*

XI. To require spirituous liquors, wine, oil, molassos, vinegar, and spirits of turpentine, in casks, to be gauged and inspected; to make provision for and regulate the weighing of hay, fodder, oats, shucks, or other long forage; to provide for measuring corn, oats, grain, potatoes, coal, stone, wood, lumber, boards, and other articles for sale or barter.

Inspection of liquors  
 Weighing of provender  
 Measuring grain and other articles  
 Weighing and measuring regulated

XII. To require every merchant, retailer, trader, and dealer in merchandize 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.

*Military Companies, Schools, &c.*

XIII. 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 benovolent 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.

Aid to military, agricultural and mechanical associations or benovolent societies  
 Public libraries and schools

*Contagious Diseases.*

XIV. 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.

Regulations for contagious or dangerous diseases; hospitals

*Board of Health.*

XV. To appoint and organize a board of health for said city, with authority for its government and support, and for the prompt and efficient performance of its duties.

Board of health

*Burial Grounds.*

XVI. To provide, in or near the said city, lands to be appropriated, improved, and kept in order as places for the burial of the dead, and may charge for the use of ground in said places of burial, and may regulate the same; may regulate the burial of the dead in the burial grounds within the city, or prevent the same entirely; and may require the keeping and return of bills of mortality by the keepers or owners of all cometeries.

Burial grounds

*Quarantine.*

XVII. To adopt and enforce such regulations as may be necessary, under the usual system of quarantine.

Quarantine

*Nuisances.*

- 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 owner or owners of the ground whereon the same shall be. To regulate and prevent slaughter-houses, soap and candle factories, or the prosecution 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 said city.
- Slaughter houses and candle and soap factories**
- Transportation of coal and other articles**
- Stagnant water and other noxious substances**
- Regulations** 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 thereon, the council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or 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 once a week for not less than four weeks in any newspaper published in said city or in the city of Richmond.
- Provision for storing powder or combustibles** XX. To direct the location of all buildings for storing gun-powder or other combustible substances, and to regulate the sale and use of gun-powder or fire-crackers, or fire-works prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or other combustible material; to regulate or prevent the exhibition of fire-works, the discharge of fire-arms, the use of candles or lights in barns, stables, and other buildings, and to restrain the making of bonfires in streets and yards.
- Prohibition of fire-works or bon-fires**
- To prevent animals running at large** 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.
- Hogs**
- Prohibit driving at improper speed or dangerous sports** XXII. To prevent the riding or driving of horses or other animals at an improper speed, the throwing of stones, or the engaging in any employments or sports on the streets, sidewalks, or public alleys dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in said city.
- Cruelty to animals**
- Restraint of drunkards, vagrants, &c: vice and immorality** XXIII. To restrain and punish drunkards, vagrants, and street beggars; 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 gambling houses; to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said city; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.
- Riots, &c**
- Houses of ill fame and gambling**
- Expulsions of offenders from city**

XXIV. To prevent, forbid, and punish the selling or giving away of liquors and intoxicating drinks, to be drunk in any place not duly licensed, and the selling or giving to be drunk any intoxicating liquor to any child or minor, without the consent, in writing, of his or her parents or guardian, and to require persons selling intoxicating liquors to keep for sale malt liquors; and for any violation of any such ordinance, may impose fines in addition to those prescribed by the laws of the state.

To punish selling intoxicating drinks  
And especially to minors

XXV. 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 require any railroad company, or the captain or master of any vessel bringing such passengers to Manchester, 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 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.

Regulations for persons having no ostensible means of support, or dangerous to the safety of city

Regulations on railroads, or captains of vessels bringing such persons into city

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 a term not exceeding three calendar months, which penalties may be prosecuted and recovered, with costs, in the name of the city of Manchester; 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.

Penalties allowed to be imposed for violations of ordinances

Imprisonment of offenders

When parents or guardians liable for minors

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 one or more of the daily newspapers published in said city or in the city of Richmond, or by posters in said city, to be designated by 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 authority of the city council.

Publication of ordinances imposing penalties

How regulations and ordinances of city may be evidence

22. The council shall not take or use any private property for streets, or other public purposes, without making to the owner or owners thereof just compensation for the same. But in all cases where the said city cannot, by agreement,

Compensation for private property used for public purposes  
Condemnation; how made

obtain title to the ground necessary for such purposes, it shall be lawful for 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.

Encroachments  
on streets; how  
removed

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 by which 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.

Penalty

How streets and  
alleys acquired  
by user

24. Whenever any street, alley, or lane in said city 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 public purposes, and the council 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 them; and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city, by a plan or plot of records, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use; but upon a petition of a majority of the persons interested therein, the council shall have power to open the same for the use of the public.

Power to open  
streets and al-  
leys for public  
use

How expense of  
opening streets  
or making im-  
provements to  
be borne

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 expense thereof ought to be paid from the public treasury and what portion by the owners of the real estate benefitted, or may order and direct that the whole expense be assessed upon the owners of the real estate benefitted 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 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 assess-

Petition of prop-  
erty holders  
required before  
improvement is  
made

Power to collect  
local assess-  
ments for im-  
provements

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

26. No member of the city council shall be a contractor, either directly or indirectly, for work ordered by the council.

Members of council not to be contractors for work ordered by council

*Future Extension of the Corporate Limits.*

27. With a view to such future enlargement of the limits of the city of Manchester as the anticipated increase in population may hereafter demand, the council of said city is authorized, at any one or more times after the passage of this act, to cause a survey or surveys to be made of contiguous lands in any one or more or all directions, on the south side of James river, not exceeding two miles from the limits of said city (as the same now exist or may exist as hereafter extended), and to cause to be indicated and defined, within the limits of said survey, the boundary lines of such streets as it may be deemed proper to embrace within any proposed future extension of the city limits. A map of such survey, plainly indicating the boundaries of the streets intended to be laid off in any such future extension of the corporate bounds, shall be made. The character of any buildings or other permanent improvements located within or obstructing the proposed streets, existing at the time the survey is made, shall be described on the face of said map. Such proposed streets shall also be designated by suitable monuments erected along the same, for the information of all parties concerned.

Future extension of corporate limits

28. When such survey is approved by the council, a copy of the map thereof, with a certificate thereto annexed signed by the president (or some other officer or member of said council authorized to certify by order thereof), and with a certificate from the engineer of the city also annexed, setting forth that the said survey is correct, (which certificates shall be acknowledged by the parties signing the same as deeds are required by law to be acknowledged for record,) shall be recorded, together with such certificates and acknowledgments, in the deed-book of the clerk's office of the county or counties within which the lands and streets embraced within such proposed extension lie; a copy of the same, in like manner certified and acknowledged, shall also be recorded in the deed-book in the clerk's office of the hustings court of the city of Manchester, or in deed-book wherever kept in said city in which deeds for lands therein are for the time being recorded.

Approval of survey to be recorded

29. After such survey shall have been made and approved by the council, and a map thereof recorded, as hereinbefore provided, all buildings or permanent improvements, not including fences, thereafter erected, shall exist at the risk of the owner of the land and those claiming under him, and the same may be abated and removed whenever the limits of the corporation are so extended as to embrace them, exempt from claim for damage or compensation for the loss thereof. A copy of the map, recorded as is hereinbefore provided, certi-

When buildings &c., of proposed extension to be at risk of owners, and how they may be removed

fied by the clerk or officer having charge of the deed-book in which the same is recorded, may be used in evidence, and shall be effectual to prove all matters duly appearing thereon under this act.

*City Officers.*

- City officers** 30. There shall be one city treasurer, one city auditor, who shall also be city clerk, one clerk of the hustings court, one attorney for the commonwealth, one city sergeant, one commissioner of the revenue, one justice of the peace for each ward, one constable for the city, and one city engineer.
- Additional officers authorized** 31. The council may appoint such officers as they may deem proper, in addition to those herein provided for, and define their powers and prescribe their duties and compensation, unless otherwise provided in this act, and may take from any of the officers 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 their duties. All officers appointed by the council may be removed from office at its pleasure, except where the term of office is fixed by this act.
- Their powers and duties to be defined**
- Removal of officers**
- Proceedings on official bonds** 32. The parties to bonds taken in pursuance of the provisions of this act, their heirs, devisees, executors, and administrators, shall be subject to the same proceedings on said bonds for enforcing the terms and conditions thereof, by motion or otherwise, before the circuit court for the city of Manchester, or the corporation or hustings court of said city, or any other court held in said city which may succeed to their civil common law jurisdiction, that collectors of the county levy and their sureties are or shall be subject to on their bonds for enforcing the payment of the county levies. The city treasurer, commissioner of the revenue, and the city sergeant may each appoint one or more deputies, to be approved by the city council; but the sureties on the bonds of said officers shall be equally liable for the acts of the deputies as for those of their principals.

*City Treasurer.*

- City treasurer to execute bond** 33. The city treasurer shall give bond, with sureties in the penalty of double the amount likely to come into his hands as such treasurer during any one year of his term of office, but in no case to be less than twenty-five thousand dollars; said bond to be approved by the city council and filed in the office of the city clerk. He shall perform such duties, have such powers, and be liable to such penalties as are now or may hereafter be prescribed by laws or ordinances. The compensation of said city treasurer for all services rendered to the said city shall be fixed by the city council at such amount as to the said council may seem fit. No person shall be qualified to enter upon a second term of office as treasurer until he has made settlement of the accounts of his previous term.
- His duties, powers and liabilities**
- Compensation**
- Ineligible to re-election until settlement of previous accounts**

34. The said treasurer shall receive all money belonging to the city, and shall keep his office in some convenient place in the city. 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.

Treasurer to receive money; his office  
Books and accounts; how kept  
To be subject to inspection of mayor

35. No money shall be paid out by the treasurer, except upon a warrant of the auditor, countersigned by the president of the council; and he shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto.

How money to be paid out of treasury

36. All money to be paid into the treasury of the city, except taxes, rents, and such other assessments as the city council may so ordain, shall be paid by the person liable to pay the same, or his agents, 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.

How money paid into treasury

37. 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, number, the fund from which paid, and the person to whom paid, specifying also the time of payment. The warrants shall be paid in the order respectively in which they are presented, from the specific fund upon which they are respectively drawn, and all such warrants shall be examined at the time of making such 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.

His report of receipts and expenditures

Register of warrants

How warrants to be paid

38. The treasurer shall collect all taxes and assessments which may be levied by said city, and all other revenues, and perform such other duties as may be herein prescribed or ordained by the city council.

Power of treasurer to collect taxes, &c

39. It shall be the duty of the treasurer to collect all rents accruing from the use of water power, hydrants, or from other sources, as they become due, according to bills furnished him by the auditor.

Rents from water and other sources

40. 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 whatever.

Special funds

41. 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 separate and

Deposit for city funds

Prohibition  
against using  
city funds

Or contracting  
for or purchas-  
ing warrants,  
&c

distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody or keeping for his own use and benefit, or that of any person or persons whatsoever; nor shall he, either directly or indirectly, contract for or purchase any warrant or order drawn upon the city treasury, or payable out of the same, at any discount whatever upon the sum due upon such warrant or order; and if he shall so contract for or purchase any such warrant or order, he shall not be allowed, in his annual settlement, the amount of said warrant or order, or any part thereof, and any violation of the provisions of this section shall subject him to immediate removal from office.

*Auditor and Clerk.*

Auditor and  
clerks

Term of office

42. There shall be one auditor, who shall also be clerk, appointed by the city council, who shall hold his office for three years and until his successor shall be appointed and qualified, unless sooner removed from office by the city council.

Regulations for  
keeping his  
books and ac-  
counts

Who entitled to  
examine them

Auditor's su-  
pervision over  
revenue officers

Over deeds,  
notes and other  
property

Clerk of coun-  
cil; his duties

43. 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.

44. 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 receipts, 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, and such other papers as may be committed to his care by the city council by ordinance or otherwise.

45. The said clerk shall attend the meetings of the city council and keep a record of its proceedings. He shall have custody of the corporate seal. 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 treasurer a transcript of all ordinances, resolutions, or orders appropriating money, or authorizing the payment of money, or the issue of bonds or notes. He shall, in like manner, give notice to parties presenting communica-

tions or petitions to the city council of the final action of the council on such communications 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.

*Clerk of the Hustings Court.*

46. The clerk of the court of hustings shall receive, in compensation for his services, the fees and emoluments allowed by law to clerks, and such allowance as the city council may from time to time deem just and proper.

Clerk of hustings court; his fees and compensation

*Commonwealth's Attorney.*

47. The commonwealth's attorney shall prosecute in all cases in the hustings court of the city of Manchester, and shall receive such compensation for his services as may be prescribed by law, and such salary as may be fixed by the city council.

Commonwealth's attorney; his duty and compensation

*Commissioner of the Revenue.*

48. The commissioner of the revenue shall give bond, with securities to such an amount as the council may direct, not exceeding five thousand dollars; said bond to be approved by the council, entered on their record, and filed in the office of the city auditor.

Commissioner of the revenue to give bond

49. 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 some convenient place in the said city, 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.

Duties of commissioner

His office

Who to inspect his books, &c

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

Duties of clerks of courts in Manchester and Chesterfield to aid commissioner

51. 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 one or more of the daily newspapers in said city or the city of Richmond,

Assessment of property

of the time and place, when and where such inspection and examination may be made. Such 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. 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.

How long schedules may be open to inspection

Correction of errors in assessment

Power to administer oaths

Penalty for refusing to disclose property to commissioner

### *City Sergeant.*

Sergeant to be officer for hustings court  
His other duties and compensation

To be collector of city taxes placed in his hands by county treasurer  
Liabilities and penalties on sergeant

When and how to pay money collected

His report to council

To execute bond

52. The city sergeant, who shall attend the terms of the court of hustings for said city and act as the officer thereof, and shall perform such other duties as may be prescribed and ordained by the city council, and shall receive such compensation therefor as the council shall determine. He shall be the collector of city taxes placed in his hands by the city treasurer, and for that purpose shall have all the powers and authority, and be subject to the same liabilities and penalties as are prescribed for township collectors in the collection of state taxes and county levies, and may be proceeded against in the same manner, so far as applicable and not inconsistent with the provisions of this act. He shall pay over to the treasurer (or into the treasury of the city, as may be prescribed by ordinance) weekly, or oftener, if he thinks proper, all moneys which may come into his hands for taxes, or otherwise, belonging to the said city. He shall report to the council, in writing, at each stated meeting, the amount of all moneys collected by him for the city and paid over as herein directed. Before entering upon the duties of his office as collector of the city taxes, he shall enter into bond, with securities to be approved by the council, in a penalty double the amount likely to come into his hands as such collector during any one year of his term of office, but in no case to be less than ten thousand dollars; said bond to be payable to the city of Manchester, and conditioned for the faithful discharge of the duties of said office, and shall be entered on the records of the council, and the original shall be filed in the office of the city clerk.

*Justices of the Peace.*

53. There shall be one justice of the peace for each ward of the city, who shall be residents of their respective wards; said justices shall be conservators of the peace within the city of Manchester, and shall have the same powers and discharge the same duties, and receive such fees as may be provided by law in the case of justices of the peace in their respective countries.

Justices of the peace

Their powers, fees and duties

*Constable.*

54. The constable shall keep his office in a convenient place in the city, and shall receive such compensation for his services as is allowed by law. He shall in all 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 law of this state, or the laws of the United States.

City constable; his office and compensation

His powers, duties and liabilities

*City Engineer.*

55. There shall be appointed by the city council one city engineer, who shall hold his office for the period of three years, and until his successor is elected and qualified, unless sooner removed from office. His duties and compensation shall be the same as those of a county surveyor. Whenever any person is about to erect any building in said city, the said surveyor shall define the line between the city and the lot on which said building is about to be erected, and shall receive for so doing, from the person erecting said building or owning said lot, a fee of two dollars. And no person shall erect any building fronting upon the line of any street until said line is defined by the said city surveyor.

City engineer; his term

Duties and compensation

His duty on the erection of new buildings

His fee therefor

To define lines of streets

*Finances.*

56. 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 debts, 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.

Power to contract loans

Prohibited from contracting debt for subscribing to internal improvement or other companies

May be authorized to do so by vote of people

Sinking fund Not to endorse bonds of companies

57. Whenever, hereafter, there shall be contracted by the city council any debt, not payable within one year thereafter,

Sinking fund set apart for each debt

- there shall be set apart annually, for thirty-four years, or until the debt is paid, a sum not less than one per centum of the amount of such debt, in addition to the annual interest agreed to be paid thereon, which sum shall be applied and invested towards the payment of such debt. The bonded debt of the city shall not be more than twenty per cent. of the value of the real estate thereof.
- Limitation upon the bonded debt of city**
- Licenses and power over them**
58. 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 theatricals 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 advalorom system. 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 licenses, in addition to other taxes imposed.
- Licenses to hacks, wagons and carriages for hire**
59. 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 assess and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and may prescribe their fees and compensation.
- Taxes thereon**
- Distress for taxes**
60. 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.
- Payment of taxes by tenant to be a credit against the landlord**
- Tax paid by fiduciaries to be refunded out of estate**
61. Any payment of taxes made by the 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.
- Council may vest treasurer with powers for collection of taxes, &c**
62. The council may vest in the treasurer, as 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.
- Lien for city taxes**
63. There shall be a lien on real estate for 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 in the manner provided by law.

Sale and redemption of real estate delinquent for taxes

64. The treasurer shall, under the direction of the city council, cause a notice of the time and place of such sale to be published in one or more of the daily newspapers published in said city, or in the city of Richmond, at least ten days previous to such sale; and he shall also cause to be posted in one or more public places, 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 that 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 sale of delinquent lands to be given

65. If such tax or assessment, and the percentage, 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 treasurer 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 treasurer 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 treasurer shall not for himself, either directly or indirectly, purchase any real estate so sold.

When sale to be made

Treasurer to execute to purchaser certificate of sale

Not to be a purchaser himself

66. 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 treasurer 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 sale to be struck off to city

Certificate to be executed to city

67. 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 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 six 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 pur-

Redemption by owner

chaser, his heirs or assigns, may refuse to receive the same, or may not reside or cannot be found in the city of Manchester.

Redemption by infants or persons under disability

68. 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 six per centum per annum from the time the same may have been paid, after abating from the amount so paid by such purchaser the amount of the annual rents of said property and improvements during the time the same was so held by him. 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.

When deed may be executed for property sold, and by whom

69. 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.

Title vested in grantee

70. 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 arrears, the party making such allegations must establish the truth thereof by proving that the taxes were paid.

When absolute title to vest in city

71. 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, or such officers as may be designated by the city council, 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.

*Police and Fire Department.*

72. The police department of the city of Manchester shall be under the general control and management of police commissioners thereof, who shall consist of the mayor and four members of the council, chosen by the council, 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 three of said commissioners shall form a quorum for transacting business, except the appointment or dismissal of members of the police force herein 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 any of the provisions of this act, or the constitution and laws of this state or of the United States.

Police department; how constituted

Mayor to be president of board of police commissioners  
Quorum of board

Rules and by-laws for government of police

73. It shall be the duty of said police commissioners to select from among the electors of said city, and by a vote of at least three-fifths of said board, appoint, by warrant of appointment bearing the signatures of said commissioners, to be immediately filed with the city clerk, so many policemen, officers, and patrolmen as may be authorized by the city council; and said board shall also appoint one chief of police, through whom said board may promulgate all rules, regulations, and orders to the whole force, and who shall have immediate control and direction 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 the orders of the said 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 for the term of two years, or until the said board, by the unanimous vote of its members, 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.

Police officers and patrol; how appointed

Chief of police  
His powers

Their term of office

Removal of police and its chief

74. In times of exigency the said commissioners, or a majority of them, or any one of them, if the others be absent from the city or unable to act, may appoint temporarily, without authority from the city council, a suitable number

Additional police; how appointed

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 to suspend chief or police

75. The mayor, at any time, upon charges being preferred, or upon finding such 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 having 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 said member; 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 said board or any superior shall be good cause for dismissal.

Pay to cease from time of suspension

Salary of chief or policemen  
Bills of expense of police; how audited

76. The salary 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 three of the said police commissioners.

Warrants of appointment

77. 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, and give such bond, as the city council may ordain, and subscribe the same in a book to be kept by the said city clerk for that purpose.

Oaths and bonds of appointees

Power of chief and policemen

78. The said chief of police and policemen, shall generally have power to do whatever may be necessary to preserve the peace and good order of said city, and to secure the 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.

Powers in criminal cases

Uniform and badges of police, and how they are armed

79. 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. 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.

Penalty for wearing uniform by others than police

When former police to go out of office

80. As soon as said commissioners shall have entered upon the discharge of their duties and appointments of policemen are made, and the policemen so appointed shall have qualified as aforesaid, then all the policemen who shall be in service previous thereto, shall immediately vacate their offices respectively, unless re-appointed as hereinbefore provided.

81. The said board of police commissioners is hereby authorized and required to make an investigation into the origin and cause of every fire occurring in the city of Manchester, and for that purpose said commissioners are hereby invested with full power to summon before them any person or persons they may deem proper, to administer oaths to the same, to compel their attendance, and to examine them concerning said fires, and immediately after such inquisition they shall report the facts ascertained to the city council.

Investigation into cause and origin of fires

82. The city council shall have power to ordain and enforce such rules and regulations as shall be necessary and proper to prevent accidents by fire within the said city, or to secure the inhabitants thereof and their property from injury thereby, and to provide for the organization, equipment and government of fire companies in said city, and to purchase and keep in order hand and steam fire engines and other necessary fire apparatus; also, to appoint and pay the necessary engineers, firemen and drivers for said engines. They may also make such ordinances as may be necessary to compel citizens to render assistance to the fire companies in case of need. They may also appoint a chief engineer, prescribe his duty, and fix his compensation not to exceed one hundred dollars per annum.

Rules and regulations for prevention of fires

Fire companies and fire apparatus

Engineers, firemen and drivers, and their pay

Assistance may be required at fires

Chief engineer

83. 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 wall 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.

Erection of wooden buildings; how prohibited

When buildings in process of erection may be taken down

84. 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 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 applica-

Power of engineer to require buildings on fire to be destroyed

Not liable to action for damages therefor

Council may assess and pay damages, and how damages to be ascertained

tion 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  
may declare  
that no damages  
were incurred

85. 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 Manchester, which court, in taking jurisdiction thereof, shall be controlled by the laws regulating assessment of damages to real estate in other cases.

Appeal granted  
to circuit court

#### *General Provisions.*

Courthouse of  
Chesterfield to  
remain in city  
Officers of  
courts and other  
county officers  
may reside in  
city

86. The courthouse of the county of Chesterfield, shall remain within the city of Manchester, and the courts of said county be held therein until otherwise provided by law; and the officers of said courts, or other county officers of said county, may reside within the limits of said city so long as the same shall remain the county seat of said county.

What ordi-  
nances to re-  
main in force in  
city

87. All ordinances now in force in said city, not inconsistent with this act, the laws of this state and of the United States, shall be and remain in force, until altered, amended, or repealed by said council.

Repealing  
clause

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

Commencement

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

CHAP. 119.—An ACT to Amend and Re-enact the 23d section of chapter 158 of the Code of 1873, in reference to Special Juries.

Approved March 24, 1874.

Chapter 158 of  
Code of 1873, re-  
lative to special  
juries, amended  
See p. 1062

1. Be it enacted by the general assembly, That section twenty-three of chapter one hundred and fifty-eight of the Code of eighteen hundred and seventy-three, be amended and re-enacted so as to read as follows: