

ACTS  
OF THE  
GENERAL ASSEMBLY OF ALABAMA,  
PASSED BY THE  
SESSION OF 1892-93,  
HELD IN THE  
CITY OF MONTGOMERY,  
COMMENCING  
TUESDAY, NOVEMBER 15, 1892,  
WITH A  
Separate Index to the General and Local Laws.

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THOS. G. JONES, GOVERNOR.  
J. C. COMPTON, PRESIDENT OF SENATE.  
F. L. PETTUS, SPEAKER OF THE HOUSE.

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I, J. D. BARRON, Secretary of State of the State of Alabama, do hereby certify that this book, containing the Acts and Joint Resolutions passed at the session of the General Assembly of Alabama, is published by the authority of the State or Alabama.

J. D. BARRON, *Secretary of State.*

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MONTGOMERY, ALA.:  
BROWN PRINTING CO., STATE PRINTERS AND BINDERS.  
1893.

To confirm the incorporation of the town of Flint in the county of Morgan, and to enlarge and define the corporate powers of said town.

Section 1. *Be it enacted by the General Assembly of Alabama,* That the incorporation of the town of Flint, in the county of Morgan, heretofore had in the court of probate of said county by proceedings under the general law, be, and the same is hereby ratified and confirmed, and the corporate existence of said town remains and continues, subject to the provisions of this act, and with all the powers herein and hereby conferred, in place of the powers conferred by the general law.

Where laws in force.

SEC. 2. *Be it further enacted,* That the provisions of this charter and all ordinances passed in pursuance thereof, having for their object the punishment of offenses against "morality and decency," or against public peace and order, or against the public health, and all provisions punishing burglary, larceny, embezzlement, obtaining goods or other things of value under false pretenses, knowingly bringing stolen property within the town, practicing a fraud, and other ordinances of purely penal nature, shall have force and effect, and be operative in all that portion of Morgan county, not now within the corporate limits of the town of Flint and lying within one mile thereof.

Elections and terms of office.

SEC. 3. *Be it further enacted,* 1. That there shall be elected by the qualified electors of said town of Flint, the following officers, namely: A mayor and six aldermen in the manner hereinafter provided. 2. The next election of mayor and aldermen for said town shall be held on the first Tuesday in May, 1893. The term of the office of mayor elected under this act, shall commence at the expiration of the term of the present intendant of the town of Flint, and shall continue for two years, and until his successor is duly elected and qualified, and biennially thereafter on the first Tuesday in May a mayor shall be elected, whose term of office shall commence at the expiration of the term of his predecessor, and shall continue for a term of two years, until his successor is duly elected and qualified. The term of office of three of said aldermen so elected, shall commence at the expiration of the term of the present councillors,

and shall continue for two years and until their successors are duly elected and qualified, and the term of office of the other three aldermen shall commence at the expiration of the term of the present councillors, and shall continue for one year, and until their successors are duly elected and qualified, and the first six aldermen elected, shall, after having been so elected, cast lots to decide which three shall serve for one year and which three shall serve two years, and annually thereafter on the first Tuesday in May three aldermen shall be elected, whose term of office shall commence upon the expiration of the term of their predecessors, and shall continue for two years, and until their successors are duly elected and qualified. The officers thus elected shall take the oath and enter upon the duties of office on the first Monday succeeding their election. 3. No person shall be eligible to the office of mayor or alderman unless he shall be a qualified elector, nor shall he be directly or indirectly interested in any contract whatever to which the town is a party unless such contract is let publicly to the lowest bidder and awarded to him as such. 4. Said election shall be conducted according to the law governing elections for officers under the law of the State, except as declared in this act, and each elector shall have caused himself to be registered in the office of the clerk of the board in the manner hereinafter provided. The polls at such election shall be kept open from 9 a. m. until 4 p. m. 5. At such election it shall be the duty of the clerk of the board of said town to provide for the opening of said poll, and to give ten days notice by publication in a newspaper of said town, if any published therein, and if no paper is published in said town, such notice shall be given by posting notices in three conspicuous places in said town of the time of holding said election and names of inspectors of said election. The said board of Flint shall appoint the said inspectors, who shall perform the duties of returning officers; and the inspectors of the first election shall be appointed by the intendant and councillors of the town of Flint. The number of inspectors, so appointed, shall be three, one of whom shall be a member of a

Registration.

different political party, and said inspectors shall be duly qualified electors of said town capable of reading and writing. 6. The clerk of the board shall act as registrar of voters. Said registrar shall commence registration on the second Monday in April next preceding each election, and shall continue the same for six consecutive days, from 9 a. m. to 4 p. m. of each day, and said registrar shall give at least ten days notice by posting notices in three conspicuous places in said town of the time when and place at which he will attend and make registration of voters as hereinafter required. Before registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge or sufficient evidence that such applicant has resided at least thirty days in said town and that he will be legally entitled to vote at the then next ensuing election for said mayor and aldermen of said town, and said registrar being so satisfied must thereupon place the name of such applicant upon the registration list, together with the place of residence, describing the same by street or such other description as may be easily intelligible. The names of parties registered shall be placed upon said list alphabetically, and be numbered in the order of registration. Said registrar shall carefully preserve the original registration list, and shall certify the same over his signature, and within three days after the closing of the registration to the mayor of said town, and the mayor shall transmit a certified copy thereof to the inspectors thus appointed to hold said election. 7. The inspectors of election shall not receive at said election the vote or ballot of any person, whose name does not appear upon the registration list, as furnished by the mayor, and who does not on demand make satisfactory proof of his identity. Upon the receipt of any vote by the inspectors they shall forthwith check off with ink the name of the person voting. The said inspectors shall immediately after the polls are closed proceed to count the ballots and compare them with the poll lists and certify the result of the election to the mayor and aldermen of said town. They shall enclose the ballots cast with the registration list together with their certifi-

Conducting  
elections.

cates of the result in the box in which is placed the ballots received at said election, and after carefully sealing the same deliver said box with its contents to the mayor of said town, who shall give to said inspectors his receipt for said box stating in said receipt the condition of said box when received by him. The said mayor and aldermen of said town, or a majority of them, shall immediately after the delivery of the ballot box and poll list as hereinbefore required to said mayor, proceed to open the said box and within three days by count of the vote and a comparison thereof with the poll list and returns of the inspectors verify and if necessary correct the said returns and declare the election to their respective offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to their respective offices to the persons so found to be elected. The said certificate of election so issued by the mayor and aldermen, or a majority of them, shall entitle the person so certified to the possession of the respective offices, immediately upon the expiration of the term of office of their predecessors as fixed by this charter, subject, however, to contestation of their rights. During such contestation, and until the decision by the tribunal having jurisdiction of such contests, the official acts of such certified officers about the business of their respective offices, shall be good and valid in law. The election of persons declared elected to any office herein provided for, which may be filled by vote of the qualified electors of said town of Flint, may be contested by any qualified elector for any one or more of the causes mentioned in section 396 of the Revised Code of 1886, such contest to be tried by the judge of probate of Morgan county, in accordance with the provisions of article III, chapter 4, Revised Code of 1886, or any amendment thereof; *Provided, however*, that said elector so contesting shall, within ten days after such person is declared duly elected, present a statement of the grounds of contest, verified by affidavit as required by section of the Revised Code of 1886, to the judge of probate of Morgan county.

Sec. 4. *Be it further enacted*, 1. That every officer of the town and his assistants, shall, before entering upon the duties of such office take and subscribe before some person qualified to administer oaths the following oath, or affirmation: "I, —, do solemnly swear (or affirm) that I will support the constitution of the United States, and of the State of Alabama, and the charter and ordinances of the town of Flint, and that I will faithfully discharge the duties of the office of —, according to the best of my ability." Which oath or affirmation, so subscribed, shall be filed in the office of the clerk of the board, and all such officers except the mayor and aldermen shall before entering upon the duties of their respective offices, execute a bond with security to be approved by the board payable to the town of Flint in such penal sum as may by resolution or ordinance be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer according to law and the ordinances of said town; *Provided, however*, that the treasurer's bond shall not be fixed at a less sum than the amount of the estimated tax and special assessments for the current year, which bond shall be recorded in the office of the judge of probate of Morgan county on payment of the fee therefor, and it shall be the duty of the mayor to have such bond so recorded. If any person elected or appointed to an office shall fail for five days after such election or appointment to take and subscribe such oath or affirmation or give and file a bond as required by this section his office shall be deemed vacant and on such failure being certified to the board, by its clerk, the board shall proceed at once to fill such vacancy. For any breach of the conditions of said bond, suit may be instituted thereon by the town, or by any person first securing the town against cost, in the name of the town of Flint for the use of such person. 2. All officers appointed under this act shall be commissioned by warrant under the corporate seal and signed by the clerk and mayor of such town. 3. All officers appointed under this act shall have the qualifications of electors of said town. 4. It shall be the duty of the clerk to keep a corporate seal; to attend all meetings of the board; to enter in the minute book a full and faithful record of its proceedings. He shall issue and cause to be served upon the aldermen notices of all special meetings of the board to

Official oath.

Vacating office

Duties of clerk

give notice to all persons whose attendance may be required before the board or any committee thereof when so directed; shall keep in a book to be kept for that purpose a record of all ordinances passed by the board and at the foot of the record of each ordinance required shall make a memorandum of the date of passage and page of the minute book on which it appears and of the publication or posting of such ordinance which record or memorandum or a certified copy thereof, shall be prima facie evidence of the passage and legal publication or printing of such ordinance for all purposes whatever. He shall draw his warrant upon the town treasurer in such form as shall be from time to time prescribed by the board for all moneys appropriated or ordered to be paid by said board. He shall prepare all commissions, licenses, permits, and other official documents required by him to be issued under the laws and ordinances of said town. He shall be the clerk of the police magistrate and shall have power to administer oaths and affirmations upon all lawful occasions and perform such other duties as the board shall by ordinance prescribe. 5. The treasurer shall be the custodian of all moneys belonging to the town and shall deposit the same in such safe or bank as the board may direct, shall keep a faithful and true account of the same, and pay them out in such manner and under such regulations as the board may direct, and shall make an annual report and oftener if required to the board relating to the finances of the town and shall perform such other duties as the board shall by ordinance prescribe. 6. The powers and duties of all elective and appointive offices in said town shall be prescribed by ordinance and not inconsistent with the provisions of this charter. 7. The mayor, clerk, treasurer, marshal, health-officer, fire-marshal, and all other officers shall make a report at the end of each fiscal year to the board and at such other time as they may direct.

Treasurer

Reports.

SEC. 5. *Be it further enacted,* That the mayor shall be the chief executive officer of the town, and shall perform all such duties as are or may be prescribed by law or by the town ordinances, and shall take care that the laws and ordinances are faithfully executed. 2. The mayor shall from time to time lay before the board a full statement of the condition of the affairs of

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duties mayor.

the town, and shall recommend for their consideration such measures as he may deem expedient. 3. The mayor shall have the power at all times to examine and inspect the books, records, and papers, of any agent, employee, or officer of the town. 4. He shall have the power and jurisdiction of a justice of the peace in all matters, civil, or criminal, arising within the corporate jurisdiction, and allowed to charge the same fees and cost as any other justice of the peace. 5. He shall be the police magistrate of said town and may impose the penalties prescribed by ordinances, or by this act for the violation of the ordinances and by-laws of said town. 6. He shall have power to remove the clerk of the board and treasurer or any officer elected by the board, whenever he shall be of the opinion that the interest of the town demands such removal, but he shall report the reason for such removal to the board at a meeting to be held not less than five days or more than ten days after such removal, and if the mayor shall fail, or refuse, to file with said clerk a statement of the reason for such removal, or if the board by two-thirds vote of all its members elected by yeas and nays to be entered upon the record disapprove such removal, such officer shall thereupon become restored to the office from which he was removed. 7. He shall make proclamations whenever he shall deem it necessary for the public health, or whenever instructed by the board, in order to prevent contagious, or infectious diseases from being introduced into the town, prohibiting all persons and goods from infected localities from entering said town, and under ordinances to be adopted for that purpose, shall have power to offer rewards for the detection and punishment of all violations of such proclamations. 8. He shall make proclamations whenever it shall be deemed necessary for the public peace and order of the town, prohibiting riotous and disorderly assemblies, or closing public places of amusement. 9. He shall have power when necessary to call on all male inhabitants of the town, over the age of eighteen years to aid in enforcing the laws and ordinances. 10. He may release any person imprisoned for violating any town ordinance,

and remit the fine therefor, but he shall report such release with the cause thereof to the board at its first session thereafter. 11. If the mayor, or any alderman, or other town officer, at any time during the term of his office shall remove from the limits of the town, his office shall thereby become vacant.

SEC. 6. *Be it further enacted*, That the board shall consist of the mayor and six aldermen. 2. The board shall be the judge of the elections, returns and qualifications of its own members, and a majority of such board shall constitute a quorum to do business, but a smaller number may adjourn, from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. 3. The mayor shall be *ex officio* president of the board, but shall have no right to vote, except in election of officers, and when in consideration or passage of resolutions, or ordinances, the board be equally divided, and in the absence of and inability of the mayor to serve, the board may elect a mayor pro tem. from their number, who during such absence, or disability, shall possess the powers of the mayor, but shall not lose his right to voting as an alderman. 4. The board shall keep a record of its proceedings and sit with open doors. 5. The yeas and nays shall be taken upon the passage of all ordinances, or propositions to create any liability against the town, or for the expenditure, or appropriation of its moneys, and in all other cases at the request of any member. 6. The board shall determine its own rules of proceeding, punish its members for mal-conduct, or disorderly behavior, and with concurrence of two-thirds of the board may expel a member; provided, that any alderman, who shall have been convicted of bribery, perjury, or other infamous crime, shall thereby be deemed to have vacated his office. 7. The board shall prescribe by ordinance, the times and places of the meetings thereof, and the manner in which special meetings thereof may be called. 8. All ordinances, or resolutions passed by the board shall take effect and be in full force from and after the passage by posting a copy thereof, in a con-

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cil.

spicious place in the mayor's office. 9. In case of death, resignation, removal, or inability of the mayor, clerk, treasurer, or any alderman, or any officer, the board shall fill such vacancy. 10. The board shall elect a clerk of the board, treasurer, a marshal, health officer and such other officers as the board may establish by ordinance.

General powers of board.

SEC. 7. *Be it further enacted,* That the board shall have the following powers: 1. To control the finance and property of the corporation. 2. To appropriate money for corporate purposes only, and provide for the payment of the debts and expenses of the corporation. 3. To levy and collect taxes for general and special purposes, on real and personal property. 4. To license all business and trades, not prohibited by the constitution and laws of the State of Alabama, to fix the amount, terms and manner of issuing or revoking such licenses, and to provide a penalty for the doing of business without a license. 5. To license and regulate auctioneers, public scales, lumber yards, livery stables, money changers, brokers, second hand and junk stores, 6. To license and regulate and restrain hawkers, peddlers, pawnbrokers, itinerant vendors, keepers of ordinaries, grinders of hand organ, banjo-pickers, theatricals and other exhibitions, shows and amusements, and revoke such license at pleasure. 7. To license and regulate hackmen, draymen, and expressmen, and prescribe their compensation. 8. To license, regulate, and restrain and prohibit billiards, bagatelles, pigeon hole or any other tables or implements used for a similar purpose, in any place of public resort, pin alleys or ball alleys. 9. To prohibit and suppress houses of prostitution and disorderly houses; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gaming, or obtaining money or property, and to prohibit the sale, or exhibition of obscene, or immoral publications, prints, pictures, or illustrations, and to prohibit or suppress all public masquerades, exhibitions and amusements, which violate public morals and decency. 10. To assess and levy and collect annually a tax for general and special

purposes on real and personal property, not exceeding one-half of one per cent. on the value thereof, as assessed for State taxation during the preceding year. 11. To establish, open, alter, vacate, widen, extend, grade, cut down, fill in, and pave, or otherwise improve all streets, avenues, sidewalks, alleys, public grounds, and squares, and provide for the payment of the costs and expense thereof, in a manner not inconsistent with the provisions of this act. 12. To plant trees upon the same. 13. To regulate the use of the same. 14. To prevent and remove obstructions and encroachments upon the same. 15. To provide for the cleaning of the same. 16. To regulate the opening therein for the laying of water mains, and pipes and the building and repairing of sewers, culverts and drains, and erecting lamp posts, telegraph and telephone poles and wires, subject, however, to the reservations in the dedication of any streets, alleys, or avenues, or public grounds. 17. To regulate the use of sidewalks, and all structures thereunder, and require the owner or occupant of any premises to keep the sidewalk in front of or along the same free from obstruction. 18. To compel the owner, or tenant of any premises to keep the sidewalk in front of, or along such premises, clean and in repair; and to prescribe the kind of pavement to be laid, and to compel the laying of such pavement along such sidewalk. 19. To regulate and to prevent the throwing or depositing of ashes, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley, or public ground. 20. To provide for and regulate cross walks, curbs, and gutters. 21. To prevent and regulate the use of streets, sidewalks, and public grounds for signs, sign posts, awnings, awning-posts, horse troughs, racks, posting hand bills and advertisements. 22. To regulate traffic and sales upon the streets, sidewalks, and public places. 23. To regulate the speed of horses and other animals, and vehicles, within the limits of the corporation. 24. To regulate the numbering of houses, and to name and change the name of any street, avenue, alley, or other public place. 25. To compel and require railroad companies

to make and keep open, and keep in repair ditches, drains, sewers, and culverts, along and under their railroad tracks, so that filthy, or stagnant pools of water cannot stand on their grounds, or right of way, that might be injurious to the public health; and to regulate and restrain the blocking up of streets or avenues impeding of travel thereon by any railroad company. 26. To construct and keep in repair bridges and viaducts, and to regulate the use thereof. 27. To construct and keep in repair culverts, drains, sewers, and cess pools, and regulate the use thereof. 28. To deepen, widen, cover, wall, alter, or change the channel of branches. 29. To prevent infectious and contagious diseases from being introduced into said town; to ordain all regulations, necessary for effective quarantine, and to enforce the same within two miles of the corporate limits of said town. 30. To maintain cleanliness and health of the town and provide for the inspection and cleanliness of all places likely to be, or become detrimental to health, and to adopt such ordinances, and regulations, as shall be deemed necessary or expedient to protect health, and prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places, and private premises of said town. 31. To suppress all nuisances at the expense of the person causing the same, or upon whose premises it is found, on private or public property, and may enter private property for the purpose. 32. To prescribe the manner in which the drainage from private premises may be disposed of, to provide the manner in which water closets and sinks shall be constructed, to discontinue and forbid the use of sinks, pits, dry wells, and the like, to regulate and compel connection of private and public premises with the sewer system of said town, and to regulate said connection as they may deem best for the health of said town. 33. To control, regulate and prohibit slaughter houses within the police jurisdiction of the town, and to provide for the weighing and herding outside of said town of all live stock intended for slaughter, and to prohibit the same from being driven through the streets of said town. 34. To prevent the

sale of adulterated or decayed food. 35. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese, and dogs and to impose a tax on dogs, not to exceed two dollars per capita. 36. To prohibit any offensive or unwholesome business or establishment within the police jurisdiction. 37. To compel the owner of any grocery, tannery, cellar, stable, pigsty, sewer, privy, or other unwholesome, or nauseous house or place, to cleanse remove, or abate the same, and to regulate the location thereof. 38. To establish and regulate cemeteries within or without the corporation, and acquire lands therefor by purchase, or otherwise and cause cemeteries to be removed, and prohibit their establishment within the corporation. 39. To erect, establish and maintain hospitals, poor houses, infirmaries, and control and regulate the same. 40. To erect and establish market and market houses, and provide for the use and regulation thereof. 41. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard and vegetables. 42. To provide for the inspection and sealing of weights and measures, and to force the keeping and use of proper weights and measures by vendors. 43. To provide for erection and care of public buildings for the use of the town. 44. To exercise the right of eminent domain for public purposes in the manner prescribed by the constitution and laws of the State of Alabama. 45. To regulate the place of amusement and public entertainments. 46. To determine the limits within which wooden buildings shall not be erected, and to prevent the reconstruction in wood of old buildings within such limits, and to condemn buildings and parts thereof which are dangerous and insecure. 47. To establish and regulate the sinking of wells for public purposes and control the use thereof. 48. To establish and erect jails, houses of correction, and work houses for the reformation, and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any town ordinance; to make rules and regulations for the government of the same. 49. To establish and maintain a fire department, and regulate the same. 50. To erect engine houses and pro-

vide fire engines, hose carts, hooks and ladders and other implements for prevention and extinguishment of fires. 51. To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus, used in and about any building, or manufactures, and to cause the same to be removed, or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and producing fires; to prevent the depositing of ashes in unsafe places, and to cause all such buildings and enclosures, as may be in a dangerous state to be put in a safe condition, and to prescribe and compel the construction of fire escapes. 52. To regulate and prevent the storage of gun powder, coal oil, turpentine, cotton, nitroglycerine, petroleum, and other combustible, or explosive materials, and the building of bon fires, and also, to restrain and regulate the use of fire works, firecrackers, torpedoes, roman candles, sky rockets and other pyrotechnic displays. 53. To pass ordinances for securing the safety of persons from fire in halls and buildings, let, or used for public assemblies, and for entertainments and amusement. 54. To regulate the marshal, or police of the town, and to restrain and prohibit disorderly conduct and breaches of the peace. 55. To prescribe the duties and powers of the marshal or other police officer. 56. To prevent and suppress riots, routs, affrays, noises, disturbances and disorderly assemblies, in any public or private place. 57. To prohibit and prevent persons from getting on and off of cars or locomotives while in motion, except employes in the discharge of duty. 58. To prohibit and prevent the shooting or firing of gun or pistol within said corporation. 59. To prohibit and prevent cruelty to animals. 60. To restrain and punish vagrants, mendicants, idlers and prostitutes. 61. To prevent and regulate the rolling of hoops, playing of ball, flying of kites or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. 62. To prohibit and restrain gaming and the keeping of gaming houses, to authorize the marshal or other police officer, with or without war-

rant, when he has good cause to believe and does believe, that any house, or part of a house in said town is being kept for the purpose of carrying on gambling therein, to break into and enter such house or part thereof, upon the refusal of the owner or occupant thereof to open the same, and to seize all gambling instruments therein and to arrest all persons found therein. 63. To impound and forfeit domestic animals found in the streets contrary to town ordinances. 64. To pass ordinances for the punishment of all persons, who in any manner obstruct the marshal or other police officer or patrolman, in the lawful performance of any of his duties in the police jurisdiction of said town, or in the arrest of any person within the police jurisdiction of said town, and for the punishment of all persons, who, when called upon by any of the town officers to aid in the arrest of any person in the police jurisdiction of said town, shall refuse to render assistance as required, and in all cases whereany person so called on and aids such officer or patrolman, as required, such person shall not be liable to indictment or punishment in the courts of the State therefor, nor to punishment by the police magistrate of said town, nor shall he be liable to any damage in any civil action therefor; *Provided*, he does no more than is reasonably necessary to effect said arrest. 65. To authorize the marshal or other police officer, as it may designate, to administer oaths and issue warrants for the arrest of offenders against the law of the State or by-laws and ordinances of the town of Flint, returnable before the police magistrate of said town. 66. To pass by-laws and ordinances for assessing property adjacent to any street, avenue or alley, for the purpose of opening, widening, grading, macadamizing, paving and curbing the streets and avenues of said town, the paving of sidewalks and the construction and laying of sewers and drains. 67. To provide by ordinance that all paper, printing, stationery, fuel and all other supplies needed for the use of the town, and all work for local improvements, shall be furnished and done by contract, to be let to the lowest responsible bidder. 68. To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted herein, with such fines and penalties as the board shall deem proper; *Provided*, no fine or penalty shall exceed fifty dollars, and no sentence to impris-

onment exceed three months. 69. To provide for revision of the general ordinances of the town at least once every five years. 70. To fix all salaries and fees of the officers of the said town, not otherwise provided. 71. To summon witnesses and compel their attendance, and administer oath by the president or chairman, compel witnesses to testify and produce books and papers in all matters revelant to the government of the town, and the power and jurisdiction hereby conferred, and may punish them by imprisonment not exceeding ten days for failure to attend or refusal to testify or produce books or papers, but an appeal from any such order shall lie to the circuit court of Morgan county. 72. To arrest fugitives from justice.

SEC. 8. *Be it further enacted*, That said board shall have the authority and power to require all male inhabitants of said town who have resided therein ten days, and who are between the ages of eighteen and forty-five years, to work upon the streets of said town for at least five days in each year, under the direction of such officer as the board may appoint; *Provided*, that any person so required to work, may relieve himself from so working by paying into the town treasury a sum not more than five dollars; *Provided further*, that the inhabitants of said town shall be exempt from working on roads outside of the limits of said town; *Provided, further*, that no male inhabitant of said town between the ages of eighteen and forty-five years shall be exempt from the operations of this section, except such as the board may hereafter exempt by ordinance.

SEC. 9. *Be it further enacted*, That the board shall have authority to license, regulate and restrain the selling or giving away of any spirituous, vinous and malt liquors, the license not to extend beyond the fiscal year in which it shall be granted, to fix the licesue for and to limit the number of licenses to be granted; *Provided*, that permits may be granted to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeitures under such regulations as may be provided by ordinance. 2. To close houses and places for the sale of intoxicating liquors, when the public safety and peace may require. 3. To forbid and punish the selling or giving away of any spirituous, vinous or malt liquors to any minor, habitual drunkard or intoxicated person.

SEC. 10. *Be it further enacted*, That said board shall have power to revoke all licenses under such restrictions and regulations as may be provided by ordinance.

SEC. 11. *Be it further enacted*. 1. The style of ordinances of said town shall be: "Be it ordained by the board of the town of Flint." 2. All ordinances and the date of publication thereof may be proven by certificate of the clerk of the board, under the seal of the corporation, and when printed in book or pamphlet form, and purporting to be published by authority of the board, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinance as of the dates mentioned in such book or pamphlet in all courts and places without further proof. 3. All actions brought to recover any fine or enforce any penalty, under any ordinance in said town, shall be brought in the name of "the town of Flint," as plaintiff. 4. All fines and forfeitures for violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation at such times and in such manner as may be prescribed by ordinance. 5. In all actions for the violation of any ordinance, (except in the presence of the marshal or other police officer, or mayor or alderman, which may be without warrant,) the first process shall be a warrant for the arrest of the offender, upon oath being made before the proper officer that an offense in violation of an ordinance of the town has been committed, and accusing such person thereof, and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the police magistrate to be tried for the offense. Any person upon whom any fine or penalty shall be imposed, may upon the order of the magistrate, be committed to the county jail, town prison, work house or other place provided by the town for the incarceration of offenders, until such fine, penalty and costs are fully paid. The board of aldermen shall have power to provide, by ordinance, that every person so committed, shall be required to work for the corporation at such labor as his or her strength will permit, within and without such prison, work house, house of correction or other place provided for the incarceration of such offenders, not exceeding ten hours each day, allowing not exceeding one dollar for each day's service, exclusive of

Ordinances.

board; that no female must be punished by subjecting her to work on the streets. 6. Any constable or sheriff of the county of Morgan may serve any process or make any arrest authorized to be made by any town officer.

Taxes.

SEC. 12. *Be it further enacted*, 1. That the mayor and aldermen may levy and collect each year upon all real and personal property and all subjects of State taxation within said town, a tax not exceeding one-half of one per centum of the value of such property, or subjects of taxation, as assessed for State taxation, during the year preceding that for which said mayor and aldermen may assess and levy the tax above provided for; and there shall be no exemptions from taxation. 2. The taxable property of each tax-payer, and the subject of taxation, on which he is taxable, and the amount or value of each item thereof, as valued by the assessor of Morgan county for the preceding year, mentioned in paragraph one, shall be ascertained and fixed by the aforesaid tax assessor's book of each year, made by him under the requirements of the laws of Alabama, and any supplemental assessment, that may have been made by him for each year, all corrected, as provided in section five hundred and twelve (512) code of Alabama. 3. Said mayor and aldermen shall cause a copy of such tax assessor's books, corrected as aforesaid, for such preceding year, to be made and entered in a bound book, properly prepared for that purpose; but when the property, or subjects, have changed owners since said assessments were made out by said tax assessor, said copy shall be so corrected, as to show its true owner, at commencement of the year for which the tax provided for in this act is to be paid, and so as to show against whom the tax on each is laid. If the property has since such assessment been destroyed, or greatly damaged, by fire or other cause this also shall be noted with the estimated amount of damage. As soon as the book provided for in the preceding paragraph is made and corrected, it shall be filed with the clerk of said board, where it shall remain for twenty days open to public inspection; and notice of that fact shall be immediately given by said clerk by the publication of a notice to that effect for ten consecutive days in some newspaper published in said town of Flint, or by posting the same in three conspicuous places in said town. Any person charged in said book as the owner of said property or subject of taxation,

Assessments.

which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid shall, within said twenty days file with said clerk his affidavit to that fact, and if he knows who the owner is shall state the fact, or that he does not know. Any tax payer may also file objections as to the correctness of said book as a copy of the aforesaid books of tax assessor of Morgan county designating wherein such copy does him injury. Upon notice by the clerk that such objections have been filed said mayor and aldermen shall meet, hear and determine all such objections and correct said book accordingly, and their decision on such objections, and as to all corrections made, shall be final. Said board may also of their own motion, correct any error of ownership, as aforesaid, but in no event shall it change such valuation, except in case of deterioration provided for in the preceding paragraph. Said mayor and aldermen shall continue its session from day to day, until all objections so filed are disposed of, and no longer. 5. A majority of the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible, after the lapse of said twenty days, said board shall *lay and levy* for the current year, the tax authorized by this act on all the property and subjects of taxation so listed and valued in the book mentioned in paragraph three of this act, corrected as aforesaid. 6. The taxes levied under this act shall have the force and effect of a judgment at law against the person assessed herewith, and for said taxes, the said town of Flint shall have a preferred lien over all incumbrances and securities whatever, except county and State taxes, and all taxes assessed against the property of any person, or persons under this act, or for which such person may become liable for the current year, shall be a lien upon the real and personal estate of such persons within the said town of Flint from the first day of January of that year, or if brought into the town after that time, the lien shall attach from the time it was brought in. 7. After the taxes shall be fixed and levied, the mayor of said town shall certify the same at the end of said tax book, and append thereto his warrant, directed to the person authorized to collect taxes for said town of Flint, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax books and warrant to said person so empowered to collect

Collection of  
taxes.

taxes for the town of Flint, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper published in Flint, or by posting notices in three conspicuous places in said town, that he is ready to receive payment of the taxes so levied. 8. After thirty days have elapsed from the first publication of such notice, the said collector of taxes or his deputy shall make personal demand upon delinquent tax payers wherever they may be found, for the amount of their taxes and costs; whenever unable to find them, shall leave a written or printed notice at the place of residence of such tax payers, requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents, and it shall be the duty of such delinquents forthwith to make payment of their taxes and fees to the collector of taxes at his office, but no demand or notice shall be necessary to tax payers who are non-residents of said town. 9. The collector of said taxes shall be charged with and accountable for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability by showing that they are now unpaid, could not have been collected by the exercise of the means given him. 10. All taxes laid under this act, which are not paid at the end of ninety days from the first publication of the notice required in this act, shall be in arrears and delinquent from that date. 11. After the expiration of ninety days from the first publication of the tax collector's notice aforesaid, the tax collector may levy upon and seize any personal property, if any there be, and if there be none or not sufficient personal property, then upon the real estate of said delinquent tax payer; provided, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of any such delinquent tax payer, and the costs of such sale, and no personal property so sold for taxes shall be subject to redemption. But when real estate is levied on, notice of the sale shall be given ten days before the day of sale in some newspaper published in Flint, or by posting notices thereof in conspicuous places. The land may be described by such numbers and abbreviations, as will

clearly indicate the property to be sold. Sale shall be at the mayor's office, or some other public place in said town, to commence on the day indicated in the notice, and sale may be continued from day to day until completed. 12. At all sales by the tax collector of property for taxes, he shall attend and bid off for the town of Flint, as purchaser all the lots and lands, on which the tax collector cannot get a bid from other persons for the taxes and expense of sale, and the town of Flint shall have a certificate of purchase, and be vested with all the titles to the property so bought in, subject to redemption, hereinafter provided. Whenever any real property shall be sold by the tax collector for the non-payment of taxes he shall give the purchaser at such sale a certificate to the following effect: "I, \_\_\_\_\_, tax collector of the town of Flint, do hereby certify that the town taxes for the year 18 \_\_\_\_, (or the particular tax or assessment, as the case may be), amounting in all to \_\_\_\_\_ dollars, being due and unpaid by (A. B.), the owner, or agent therefor, I have this day sold for the payment of taxes due by said (A. B.), and for collection for costs of levy and sale to (C. D.), who has paid the amount of taxes due as above, the following piece, parcel, or lot of land, lying in the town of Flint, and bounded and described, as follows: (Insert description.) By virtue of the powers given me by law, I hereby authorize said (C. D.) to have and hold the above described lands, and tenements, until the same shall be redeemed according to law. In witness whereof, I hereunto set my hand and affix the seal of this corporation, this \_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_. (E. F.), Tax Collector." Any real property sold under the provisions of this act may be redeemed by the owner or any person interested therein within two years after said sale by paying to the town of Flint the amount of purchase money, all subsequent taxes, and costs that may have been paid by the purchaser and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the town tax collector to keep in his office any book provided for that purpose and conveniently index a record of all certificates of purchase issued by such tax collector, and when real estate shall be redeemed as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the pur-

Tax sales.

Redemption.

chaser or his assignee shall demand the money on such redemption he shall pay the same to him upon the surrender of the certificate of purchase, and upon his failure to do so, said tax collector and his bondsmen shall be responsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the facts of the sale, substantially as contained in the certificates of sales, the date of redemption, the amount paid, and by whom redeemed, and such certificates shall be prima facie evidence of the facts therein stated. Said tax collector shall make such report of redemption as said corporate authorities may require. After the expiration of two years from date of sale, the tax collector then in office shall upon application of holders of certificates of purchase, make out a deed to each lot, or parcel, of real property sold and unredeemed, and deliver the same to the purchaser, or his assignee, upon return of certificate of purchase, payment of all subsequent taxes on the property and one dollar for the deed; but any number of parcels of real property for which one person may hold purchase certificates, may be included in one deed, as may be desired by purchaser, such deed shall be signed by tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgements and when thus executed and recorded shall vest in grantee all rights, titles and estate of former owner, free from all encumbrances made or suffered by them (except State and county taxes). Such deed shall be prima facie evidence in all courts of this State, in all controversies and suits in relation to the rights of the grantee therein to the land conveyed of the facts recited in such deeds of regularity, of all proceedings in assessment and sale of said property required by this act, and of the title of the grantee, his heirs and assigns. 13. Should said corporate authorities require other means of collecting the taxes herein authorized, they may by ordinance, adopt, or substitute, for any of the foregoing provisions contained in Part I, Title 7, Code of Alabama, or any part of such provisions, for the collection of such taxes, by the town of Flint, so far as the same will apply, and shall have same right to sell property and make title to property sold for taxes, as provided for collecting State and county taxes and said

Power to collect taxes.

corporate authorities in adopting such provisions shall by adopting ordinances declare which of said provisions they adopt, and in such ordinance, they may change the provisions so far as to substitute its tax collector for that of the State and county, and so as to adopt the provisions relative to State and county taxes to the collection of the taxes herein authorized, and the mayor and aldermen shall have power to collect all taxes and all fines by execution, levy and sale, and from such execution no property shall be exempt; *Provided*, that this mode of collecting shall not prevent collection of such in any other manner herein provided.

SEC. 12. *Be it further enacted*, That the board shall have power and authority to elect a solicitor to prosecute all offenders against the laws and by-laws and ordinances of said town, and said solicitor's fee shall be taxed up against the defendant as other costs, and in the same manner as circuit and county solicitors' fees are taxed; *Provided*, that no solicitor's fee shall exceed seven dollars in any one case.

Approved Feb. 21, 1893.

No. 508.]

AN ACT

[s. 356.]

To authorize deeds, contracts, conveyances or other instruments to be recorded again in Franklin county.

Section 1. *Be it enacted by the General Assembly of Alabama*, That all deeds, contracts, conveyances or other instruments; the record of which is authorized or required by law, that have been recorded in the probate judge's office in Franklin county, in this State, the records of which were destroyed by fire, the original of such deed, contract, conveyance or other instrument may be recorded again, and such record shall have relation to and be operative from the day the original record was operative; *Provided*, the same is recorded within two years from the passage of this act.