

GENERAL ASSEMBLY OF ALABAMA,

PASSED AT THE

SESSION OF 1898-9,

HELD IN THE CAPITOL IN THE CITY OF MONTGOMERY
COMMENCING

TUESDAY, NOVEMBER 15, 1898.

JOSEPH F. JOHNSTON, Governor.

R. M. CUNNINGHAM, President of the Senate.

CHARLES E. WALLER, Speaker of the House.

I, ROBT P. McDAVID, Secretary of State of Alabama, do hereby certify
that this Volume is published by the authority of the State of Alabama, and
in accordance with Law.

ROBT P. McDAVID,
Secretary of State.

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pal and interest, before providing for the payment of bonds which may be hereafter issued by said mayor and council of Georgiana.

Approved February 8th, 1899.

No. 351)

AN ACT

(H. 747

To incorporate the Town of Warrior, Jefferson County, Alabama.

Incorporated

Corporate
limits

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Warrior, on the Louisville and Nashville Railroad, in Jefferson county, Alabama, be, and the same is, hereby incorporated, and the corporate limits of said town shall embrace an area of land as follows: Beginning at a point on the L. & N. R. R. 100 feet south of the residence of J. S. Morgan, in Section 24, Tp. 14, Range 3 west, thence running west one-quarter of a mile, and thence in a northerly direction, running parallel with said L. & N. R. R. a distance of one and a quarter miles, so as to run one-quarter of a mile from said railroad on the west side of said railroad; thence in an easterly direction to a point on the said L. & N. R. R. 700 yards north of the depot, thence from said railroad in a northeasterly direction to a point on the Blount Springs road one hundred yards north of where the Coaldale road intersects said Blount Springs road, thence in a southeasterly direction to a point on the Coaldale road 100 yards east of where the Blount Springs road intersects the Coaldale road, thence running in a southerly direction about one mile, to a point on the Warrior river, 300 yards up the river from the county bridge; thence down said river to a point 500 yards below said county bridge, thence in a westerly direction to the L. & N. R. R., to the point of beginning.

Election

Sec. 2. Be it further enacted, That an election shall be held in the town of Warrior on the seventeenth of February, 1899, and every two years

thereafter, on the third Monday in February, for the purpose of electing a mayor and five councilmen, who shall have been resident freeholders of said town for six months preceding the election. Said mayor and councilmen shall serve for the term of two years, and until their successors in office are elected and qualified; said election to be held the 17th day of February, 1899, and all subsequent elections to be held on the third Monday in February biennially by such persons and in such manner as the mayor and councilmen may prescribe; and all persons living in said corporation who are qualified voters for members of the General Assembly of this State shall be entitled to vote in said municipal election.

Sec. 3. Be it further enacted, That from any cause, should said town fail to hold an election on the day specified by this act, that they are hereby authorized to hold an election at any time thereafter: Provided, That a notice of such election shall be published in a newspaper published in said town, if no newspaper is published in said town, by posting in three (3) or more places in said town twenty days prior to the day set for such election.

Sec. 4. Be it further enacted, That the mayor and councilmen, together with town marshal, Oath treasurer, and clerk, each of which office the mayor and councilmen shall elect, shall severally, before they enter upon the discharge of their duties, take the oath as prescribed by the constitution of the State, as the following: "I do solemnly swear that I will perform the duties required of me as (mayor, councilman, treasurer, clerk or marshal, as the case may be) to the best of my ability and judgment, so help me God," a certificate of which oath shall be filed with the records of the board. It shall be the duty of the mayor to preside at all meetings of the councilmen and preserve order and decorum, and in his absence any councilman may be called upon to take the chair, and the mayor and councilmen are hereby declared a body politic and corporate by the name and style of mayor and councilmen of Warrior, by which name they and Duties of mayor

their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded in all manner of suits, either in law or in equity, and shall have power to keep a common seal, and the same to alter and amend at pleasure, in general to do and to perform all acts which are incident to bodies corporate; and to purchase, hold and dispose of for the benefit of said town, real, personal and mixed property to the value of twenty-five thousand dollars (\$25,000).

Powers

Sec. 5. Be it further enacted, That the mayor and councilmen, or a majority of them, are hereby invested with full power to keep open, and in good repair, the streets of said town, and for that purpose may levy a tax not exceeding three dollars, on all persons within the corporate limits who are liable to work on the public roads of the State, and in default of payment of said taxes, may require such persons to work on the streets of said town, as required by the laws of the State; to prevent or remove nuisances; to establish a night and day police, and a town jail, or guard house; to erect lamps; to regulate the paving and flagging of drains and sidewalks; to prevent, by adequate penalty, the injury or destruction of shade or ornamental trees in said town; to license, tax and restrain, at pleasure, theatrical amusements, shows and menageries of all kinds whatsoever within the corporation, and may also assess and collect a tax not more than one thousand dollars on the sale by retail of spirituous liquors on each retail liquor dealer within said corporation; provided, such liquors are ever allowed to be sold within the corporate limits of said town by and under any law of the State; to preserve the peace and good order of said town; to enact and publish any regulations, by-laws and ordinances necessary for the good and orderly government of said town not inconsistent with the constitution and laws of this State, and to enforce the observance of said regulations, by-laws and ordinances by a fine, not exceeding two hundred dollars for each violation thereof, and imprisonment, not exceeding twenty days in the town prison.

Sec. 6. Be it further enacted, That the mayor and councilmen shall have power to levy and collect a tax on the inhabitants of said corporation on all articles and subjects of State taxation, to raise money for properly governing and managing the affairs of the corporation and enforcing its laws and ordinances and powers granted by the provisions of this charter; and they, as soon as convenient after their election, elect, by joint ballot, a clerk, treasurer and marshal for said town, and it shall be the duty of said clerk to issue all execution for fines and taxes which may be necessary, signing the same and delivering the same to the marshal, whose duty it shall be to collect and pay over the same to the treasurer, which last named officer shall give bond and security to the mayor and councilmen before he enters upon the discharge of the duties of his office, and the mayor and councilmen shall have power to remove from office the clerk, treasurer and marshal, and elect others, and may fix the salaries and fees to be received by these officers, and may, if deemed advisable, require bonds of the clerk and marshal for the faithful performance of their duties: Provided, That the tax levied and collected by said corporation on the property of the citizens thereof shall not be more than one-half of one per cent. of the value of said property, as assessed for State taxation during the preceding year.

Taxes

Sec. 7. Be it further enacted, That the citizens of said town shall be exempt from working on the public roads.

Exempt from
road duty

Sec. 8. Be it further enacted, That the mayor and councilmen shall have power to open new streets within the corporate limits of said town, or change, alter or close such streets as are now or may hereafter be opened within the limits of said town: Provided, That where new streets are opened on private property the owners shall receive full compensation for the property so occupied, to be assessed by a jury of five disinterested freeholders elected for that purpose by the mayor of said town.

Streets

Duties of mayor Sec. 9. Be it further enacted, That the mayor of said town is a conservator of the peace within the corporate limits of said town, and it is his right and duty to suppress all affrays, riots, unlawful assemblies and insurrection and lawless, indecent, profane, boisterous or disorderly conduct in any public place therein, to do which he may summons to his aid as many male persons as he thinks proper; he has full power to punish for contempt in the same and under the same rules and regulations prescribed by the Court of Alabama in reference to punishment of contempt by justices of the peace; he has full power to try all offenders against all the by-laws and ordinances of said corporation with regard to the amount of fines, punishment or forfeiture, and to punish the offenders, both by fine and imprisonment, in the manner prescribed by said by-laws and ordinances; and the marshal of said corporation has full authority to execute all lawful ordinances, resolutions, by-laws and orders of said corporate authorities within his jurisdiction, and must, without warrant, arrest all offenders breaking the peace or violating any ordinance of said town in his presence and bring them before the intendant, and for any other breach of the peace or violation of the ordinances, he shall arrest the offenders upon due legal process, and in order to the execution of his powers and duties, he may summons to his aid as many male persons as may be necessary.

Licenses Sec. 10. Be it further enacted, That the mayor and councilmen of said town shall have full power and authority to levy and collect a license tax upon any business, trade or profession carried on in said town: Provided, That the maximum of said tax shall not exceed the following; and provided further, that when, in the judgment of the mayor and councilmen, a less amount than the maximum, will be necessary to carry on the government of the town, that the same proportions of all taxes enumerated in this act shall be levied and collected, as follows: Architects and contractors on buildings, ten dollars; auctioneers, each, twenty

dollars; billiard or pool tables, each, twenty dollars; bowling alleys, each, twenty dollars; buggies, wagons, carts or carriages, not manufactured in said town, dealers in, ten dollars; brickyards or dealers in brick, each, five dollars; cane, knife board, striking machine or device of like kind, each, fifteen dollars; cabinet-makers or proprietors of wood or blacksmith shops, employing labor, each, five dollars; carts, drays or wagons—one horse—five dollars; two-horse or oxen, ten dollars; circuses, each performance, twenty dollars; confectioners and fancy grocers, each, five dollars; contractors, each, employing one or more workmen, five dollars; cotton buyers, not including merchants who pay merchandise tax, each, ten dollars; concert, musical entertainments, not otherwise provided for, or when charges are made for admission, or for the participation in any exercise or entertainment, not for charitable, religious or school purposes, each, three dollars; druggists and apothecaries, each, twenty dollars; drovers or dealers in horses or mules, other than liverymen who pay license tax, each, ten dollars; exhibitions of legerdemain or sleight of hand performances, or other exhibitions of like kind, each performance, five dollars; engines, stationary, used for propelling any mill, gin, saw mill or other machinery, each, ten dollars; express companies, carrying express past Warrior to any other place, or bringing express from any place to Warrior, each, ten dollars; dealers in commercial fertilizers, other than merchants who pay license tax, each, ten dollars; gun repair shops, each, five dollars; hotels, keeping transient guests, each, twenty dollars; insurance agents—life or fire—each, five dollars; itinerant traders, by sample, except commercial traveling salesmen, each, five dollars; job printing offices, each, five dollars; lunch stands or restaurants, each, five dollars; lawyers, physicians and dentists, each, five dollars; lightning rod agents, each, ten dollars; livery or sale stables, each, twenty dollars; liquor, retailers in spirituous, vinous or malt liquors, each, five hundred dollars; liquor,

Licenses

Licenses

wholesale dealers, each, one hundred dollars; machinery, or agricultural implements, when principal stock in trade, each, ten dollars; merchant tailors or their agents, each, ten dollars; millinery establishments, each, five dollars; peddlers on foot, each, five dollars; peddlers, one horse, each, ten dollars; peddlers, two-horse, each twenty dollars; pistols or pistol cartridges, whether principal stock in trade or not, each, ten dollars; playing cards, dealers in, each, five dollars; public weighers, each, five dollars; photograph and art galleries, whether in tents or houses, each, five dollars; markets, each, twenty-five dollars; private boarding houses, except where students at school are taken exclusively, each, ten dollars; railroad commissary, or grub car, whether run by a railroad or individual, twenty dollars; real estate agents or brokers, renting or selling real estate, each, ten dollars; reporters, on standing and credit of business men, each, ten dollars; sewing machine agents, not including merchants who pay license tax, each, ten dollars; telegraph companies sending messages from or receiving messages at Warrior, ten dollars; traveling physicians or vendors of patent medicines and spectacles, each, five dollars; undertakers, each, five dollars; watchmakers and jewelers, each, five dollars; keeping stud horses and jacks, each, five dollars; each stove, range or clock company, or their agents, each, ten dollars, except merchants and jewelers who pay license tax; each person or firm engaged in merchandising twenty dollars; each, shoemaker, harness or saddler, five dollars.

Fines

Sec. 11. Be it further enacted, That the mayor and councilmen may, by ordinance, impose such fines and penalties within the limitations of this act, as they may deem advisable for the doing of any business, or carrying on any trade or practicing any profession by any party who shall fail to take out license provided for in this act: Provided, That no tax shall be levied on any person selling country produce, fowls, live stock or meats grown or raised by such persons.

Sec. 12. Be it further enacted, That the mayor and councilmen shall, at their first regular meet-

ing in each year, make an estimate for the expenses for the current year, and fix the rate of taxation, the price of license and the rate of street tax, and shall cause the same to be published in the same manner that the ordinances of said town are published; and that the mayor and councilmen shall, on the first of October of each year, cause the clerk to make out a statement of their receipts and disbursements of all moneys that have been received and expended for the preceding fiscal year, and have the same published in the same manner that the ordinances of said town are published.

Rate of
tax

Statements

Sec. 13. Be it further enacted, That the board of mayor and councilmen of the town of Warrior be, and they are, hereby authorized to issue and sell twenty-year bonds, bearing four per cent. interest per annum, for the purpose of building and maintaining a system of water works for said town.

Bonds

Sec. 14. Be it further enacted, That said board of mayor and councilmen shall have power to regulate or prevent the running at large in said town of hogs, horses, goats and dogs, and to prescribe a penalty therefor, not to exceed a fine of fifty dollars for each offense.

Stock

Sec. 15. Be it further enacted, That one-third of all revenues received from licenses in said town shall be appropriated for the public schools of said town.

Public schools

Approved February 8th, 1899.

No. 352)

AN ACT

(H. 112)

To confer additional jurisdiction upon the County Court of Lowndes County, and to regulate the proceedings therein.

Section 1. Be it enacted by the General Assembly of Alabama, That the County Court of Lowndes county shall have jurisdiction of all misdemeanors committed in said county.

Jurisdiction

Sec. 2. Be it further enacted, That at the next August term, 1899, of the Circuit Court of said