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CODE
OF THE
CITY OF SELMA.

~~~~~  
To which is prefixed the City Charter and amendments  
thereto.  
~~~~~

Prepared in pursuance to Order of the City Council,

BY

A. H. JACKSON & JAMES W. LAPSLEY.

—◆◆—
SELMA, ALA:

PRINTED AT THE JOB AND BOOK OFFICE OF THE "SELMA REPORTER."

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**OFFICERS OF THE CITY.**

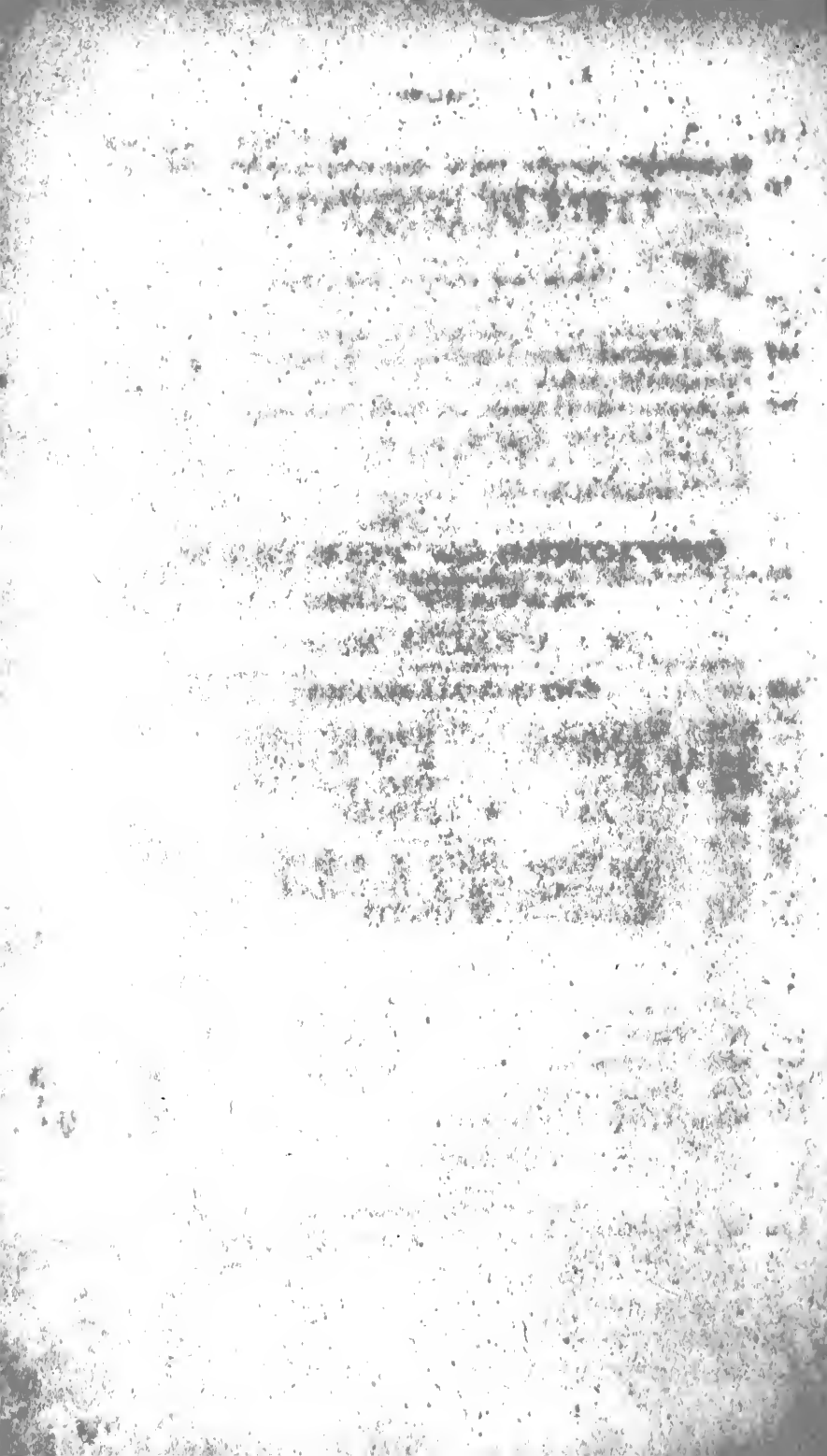
—0—  
**JANUARY 1, 1862.**

**M. J. A. KEITH, Mayor.**

—0—  
**Councilmen.**

|                   |                |
|-------------------|----------------|
| JOHN WEEDON,      | ROBERT HALL,   |
| ISAIAH MORGAN,    | E. W. MARKS,   |
| WM. A. DUNKLIN,   | GEO. F. PLANT, |
| JAMES W. LAPSLEY. |                |

—0—  
CITY CLERK—JOHN M. STRONG.  
TREASURER—WM. A. DUNKLIN.  
MARSHAL—E. M. GANTT.



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# ACT OF INCORPORATION

A N D

## AMENDMENTS THERETO.

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### AN ACT

To Incorporate the City of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened—*

That the town of Selma, in said State, shall here-<sup>Name</sup> after be called "The City of Selma;" and the said <sup>changed.</sup> city shall embrace and include within its corporate <sup>Limits.</sup> limits under this act, all the tracts, lots and parcels of land which are embraced within the limits of the said town of Selma as now constituted; and the present and future inhabitants of said city as by this act incorporated shall be and they are by this act made and constituted a body corporate and politic under the name and style of "The City of Selma;" <sup>Corporate</sup> under and <sup>name and</sup> by which name and style, and acting by and through <sup>style.</sup> the proper officers of said incorporation hereafter to be designated, all the corporate powers and privileges of said city by this act granted shall be executed and carried into effect as required; and under its corporate name aforesaid the said city incorporation shall <sup>Powers and</sup> sue and be sued, plead and be impleaded, answer and <sup>privileges.</sup> be answered unto; and may purchase, receive and hold, and sell, grant, alien and assure or let property, real and personal, may have and use a common seal

which may be changed at pleasure, and may do and perform all acts incident to such corporations not inconsistent with the laws of the State; the jurisdiction of said incorporation shall extend over and include not only the territory now constituting the town of Selma, but shall be and the same is by this act extended over and shall include the Alabama river opposite to and running by said town.

Style of government of city.

SEC. 2. *Be it further enacted*, That the government of said city shall be styled "The City Council of Selma," and shall consist of a chief officer, to be styled "Mayor of the City of Selma," and five common councilmen, each to be elected by the legal voters of the city; the person receiving the highest number of legal votes for the office of mayor will be elected mayor, and the five persons receiving the highest number of legal votes for councilmen will be elected councilmen; every citizen of said city who would be a legal voter at an election for members of the legislature will be a legal voter at such elections for mayor and councilmen: *Provided*, He shall have been actually or legally a resident of said city for six months next preceding the election and not otherwise.

Election of officers.

SEC. 3. *Be it further enacted*, That the election of mayor and councilmen of said city shall be held annually; but the mayor and councilmen for the time being shall continue in office until their successors are duly chosen and qualified; and after the first election under this charter the time and place of each succeeding election shall be determined by the said city council; and said council shall appoint managers of the elections, to consist of such number of persons as may be deemed expedient; and said city council shall have power to prescribe the mode in which all elections shall be conducted, the mode of returning and counting the votes, the votes to be returned to the existing mayor, and by him laid before the city council to be examined and counted; the said city council shall be the judges of all elections, and shall have full power to determine all matters in relation



to all elections, as well as to the mode of conducting elections as to the legality of voters; and in the count shall reject all illegal votes, and count such only as are legal; in the event that two or more persons should have an equal number of legal votes for the office of mayor, the common councilmen for the time being duly qualified and acting, or a majority of them, shall determine which of said persons shall be mayor; and in case of a tie vote in the election of councilmen, the mayor for the time being and a majority of the councilmen qualified and acting and not interested in the decision to be made, shall determine which of the persons having the tie vote shall have the office; in case a vacancy should occur in the office of mayor, except by the expiration of the term for which last mayor was elected, such vacancy shall be filled by the councilmen; and in case of any vacancy in the office of councilmen, except by expiration of the term, such vacancy or vacancies shall be filled by the mayor and councilmen who may be acting.

SEC. 4. *Be it further enacted,* That the first election for mayor and councilmen under this charter shall be held under the direction and supervision of the intendant and council of the town of Selma holding office at the time of the ratification and acceptance of this charter as hereinafter provided for; and said intendant and council shall prescribe the time and place and mode of such first election, and shall be judges thereof; and a certificate shall be made and preserved showing the number of legal votes polled for the different offices, and showing what person received the highest number of legal votes for the office of mayor, and the five persons who received the highest number of legal votes for councilmen; and in case of a tie vote either for mayor or councilmen, the intendant and council of said town, or such of them as may not be interested in the question, shall determine who shall be mayor and who shall be councilmen, as the case may be; all elections for

mayor and councilmen under this act shall be by ballot; no person shall be eligible to the office of mayor or councilmen unless in addition to being a qualified voter for these offices, he shall have resided in said town or city one year next preceding the election.

Oath of  
office.

SEC. 5. *Be it further enacted*, That the mayor and each councilman, before entering on the duties of his office, shall make and subscribe an affidavit that he will faithfully and to the best of his skill and judgment perform the duties of the office of mayor or councilman (as the case may be) without favor or partiality, which affidavit shall be filed in the office of the clerk of said city.

General  
powers of  
board.

SEC. 6. *Be it further enacted*, That the said city council shall have full power and authority to pass all such by-laws as may be deemed necessary and proper for its own government not inconsistent with the laws of the state, and the same to alter or repeal at pleasure; and shall have full power and authority to pass and enforce all ordinances deemed necessary and proper to prevent contagious or infectious diseases from being introduced or kept in said city, and to preserve the health of its inhabitants; to prevent and remove all nuisances at the expense of the person causing such nuisances, or upon whose property it may be found; to license, tax, regulate or restrain all shows and theatrical amusements; to prohibit and suppress gaming and gaming-houses and houses of ill-fame within said city, and all things pernicious to the morals and good order of society within said city; to establish night watches and day watches and patrols, and to appoint leaders and captains thereof; to make, alter and ascertain new streets and alleys; to clear and keep in repair the streets and alleys; (to regulate the stationing, mooring and anchorage of steamboats and other boats and craft within their jurisdiction;) to establish necessary inspections; to erect and regulate markets and the assize of bread; to regulate the sales at auctions and to appoint auctioneers: *Pro-*

*vided*, The same shall not extend to sales under execution by order of court or by executors or administrators; to erect public scale-houses with proper scales, weights and measures, and to appoint weighers and measurers to weigh and measure in case of disagreement between buyer and seller; to license and regulate wagons, carts and drays, and hacks and carriages running from one part of the said city to another part for hire; and generally to pass such by-laws and ordinances not contrary to the constitution and laws of this State and the United States as said city council shall from time to time deem necessary and proper to carry into effect the true intent and meaning of this act, and the same to enforce, alter and repeal; the said city council shall have power to appoint and remove at pleasure a clerk, treasurer and such number of marshalls and other officers as they may deem necessary and proper, and to require such bond and security as they may deem necessary, and to annex such fees and salaries to their several offices, and to impose such fines for neglect of duty in office, not exceeding one hundred dollars, as they may deem necessary; the said city council are also empowered to lay such fines, not exceeding fifty dollars, for breach or breaches of their by-laws and ordinances as they may deem proper, and to enforce and collect the same in such manner as may be prescribed by ordinance, by execution against the person or property, or committing to jail, as they may deem necessary or proper; which fines shall be appropriated in such manner as the said city council may prescribe.

SEC. 7. *Be it further enacted*, That the said city council shall have power and authority annually to assess, levy and collect a tax not exceeding one per centum upon all real estate in said city, a poll tax not exceeding two dollars on each white male inhabitant above twenty-one years of age: *Provided*, He shall have resided in said city two months immediately preceding the time said tax shall be levied; on each slave over ten and under fifty years of age, not

May collect  
taxes.

exceeding one dollar; on every free negro or mulatto who shall reside in said city, not exceeding five dollars; a tax on all pleasure carriages, gigs, chairs and sulkeys, and saddle, buggy or carriage horses, not exceeding one per cent. on the value thereof; on every cart, dray, wagon or other vehicle used for the transportation of goods and commodities from one part of said city to another for hire, a tax not exceeding twenty dollars; on every retailer of spirituous liquors, a tax not less than forty nor more than five hundred dollars; on every vender of goods, wares and merchandise, drugs and medicines, or either of them, a tax not exceeding twenty-five dollars per annum; on all goods sold at auction, a tax not exceeding one per cent. on amount of sales, or not exceeding fifty dollars per annum.

Powers conferred on mayor and councilmen

SEC. 8. *Be it further enacted*, That the said city council or the mayor and each councilman, respectively and alone, shall be and they are hereby vested *ex officio* with and may exercise in said city all the powers and authority that belong to justices of the peace by the laws of this State; and the said marshall shall be *ex officio* a constable, and be vested with and exercise all the powers and authority of other constables of this State; and the said mayor, councilmen and marshall shall respectively be liable to the same penalties and restrictions as are imposed by the laws of this State upon the several offices with which they are invested; and the sheriff of the county of Dallas and all ministerial officers shall obey the mandates of the said city council or mayor or councilmen, and truly and faithfully execute the warrants and processes committed to them for service according to the mandate; and it is made the duty of the jailor of said county to receive all persons committed by warrants of the said mayor or councilmen or city council, and the person or persons so committed safely to keep confined in close jail till delivered therefrom by due course of law.

SEC. 9. *Be it further enacted*, That should the elec-

tion not take place on the day fixed for the annual election of mayor and common councilmen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified; and it shall be the duty of the city council to fix some other day as early as convenient within one month thereafter, on which day the said election shall be held. Election may be held

SEC. 10. *Be it further enacted*, That the said inhabitants of said city shall be exempted from working on roads and highways out of said city and from patrol duty, but the streets and highways in said city shall be kept in repair by said city; and all male citizens over eighteen and under the age of forty-five years shall be liable to patrol duty and to serve as guards or watch at such times and in such number as may be prescribed by the said city council. Exemption of inhabitants.

SEC. 11. *Be it further enacted*, That all property, claims and demands of whatsoever description belonging to the town of Selma shall be vested in the city of Selma; and all debts, contracts and liabilities owing or incurred by said town shall be good and enforced against said city; and the corporation of said town shall and may subsist as long as necessary for enforcing and collecting all claims and dues, or the same may be enforced and collected by said city. Property transferred and vested.

SEC. 12. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at all meetings of the mayor and councilmen; he shall call meetings of the councilmen whenever in his opinion the interest of the said city may require it; he shall keep an office in said city and hear and determine upon all causes for breach of the ordinances and by-laws, and shall receive such fees and salary as may be prescribed by the city council; in the absence or inability of the mayor, the councilmen shall appoint one of their own number mayor *pro tempore*, who shall discharge the duties of mayor till the mayor returns or his inability is removed; each of the councilmen may also hear and determine causes for breach Powers of mayor.

of the by-laws and ordinances; two councilmen may call a meeting; the mayor and three councilmen or four councilmen shall form a quorum for all business

Of assess-  
ment of  
taxes.

SEC. 13. *Be it further enacted*, That the said city council may cause an assessment of taxes to be made in each and every year by some proper and fit person or persons; the assessment naming the person liable to such taxes when known, and specifying the property when the owner is not known, which assessment shall be returned to the mayor to be laid before the city council; and the mayor shall cause at least ten days public notice that assessment has been made and the time when the city council will proceed to hear and determine upon all complaints which may be made against such assessment; and it shall be their duty to correct errors and supply omissions or deficiencies; and when the same has been passed upon by said mayor and councilmen the said assessment, when certified by the mayor, shall have the force and effect of a judgment and execution, and may be collected by levy and sale of property, on giving such notice as is required by law on executions from the circuit court; and where "no property to be found" is returned upon said assessment the mayor may issue a *capias ad satisfaciendum*, and all sales of property made under or by virtue of such assessment shall convey to the purchaser the same title as if sold by execution from the circuit court; and the collector of said city shall in case of sale of real estate give the purchaser a deed of conveyance, which shall vest in the purchaser the same interest that the person had against whom such tax was assessed at the time of such assessment, and where the owner is not known, the entire equitable and legal interest in such real estate discharged of all liens: *Provided*, That where a tax is assessed upon property the owners of which are unknown, ninety days' notice of the sale specifying the property and the tax shall be given in some newspaper printed in said city: *And provided*, That the owner of any real estate sold for taxes shall have

the right to redeem by paying treble the amount of the tax, together with all costs and charges, within twelve months from the day of sale: *And provided further*, That the duties required of said city council, except giving notice and issuing *capias ad satisfaciendum*, may be devolved upon a board of assessors; and the assessments approved by them shall have the same force and effect as if approved by the mayor and councilmen.

SEC. 14. *Be it further enacted*, That retailers of <sup>Of retailers.</sup> spirituous liquors who may procure a license from said city council of Selma shall be exonerated from paying anything to the county of Dallas for the privilege of retailing in the city aforesaid.

SEC. 15. *Be it further enacted*, That the said city <sup>Power over streets.</sup> council of Selma shall have full power and authority to make, ordain and enact such laws and regulations (not contrary to the constitution and laws of this State) as may be deemed necessary in relation to the streets and highways, public buildings and powder magazine and every other matter and thing which they may deem necessary for the good order and welfare of said city.

SEC. 16. *Be it further enacted*, That all the ordi- <sup>Ordinances continued in force.</sup> nances and regulations of the "intendant and council of the town of Selma" heretofore made and not contrary to the constitution and laws of this State shall be applicable to said "city council of Selma," and shall remain in full force until repealed or altered by said city council of Selma.

SEC. 17. *Be it further enacted*, That the said city <sup>Power over the erection of wooden buildings.</sup> council shall be and is hereby empowered in addition to the powers already conferred by this act to pass ordinances or by-laws to regulate or prevent the erection of wooden buildings in such parts of said city as in the opinion of said city council the public good may require, and pass ordinances for the punishment of such as may injure or deface the public buildings or grounds.

SEC. 18. *Be it further enacted*, That the said city

May subscribe for stock in railroad.

council shall be and they are hereby invested with full power and authority to subscribe for and on behalf of said city, to the capital stock of any railroad or plankroad leading to or from said city, and to pledge the faith and credit of said city for the payment thereof, for such an amount as the said city council may deem best, not exceeding one hundred thousand dollars; and to provide for the payment of such subscriptions the said city council may and they are hereby empowered to issue bonds on the faith and credit and in the name of said city, in such form as the city council may prescribe, and for an amount not exceeding such subscriptions, bearing interest not exceeding the rate of eight *per centum per annum*; and for the payment of such bonds and the interest, may mortgage or pledge in such other manner as the city council may deem best all the property owned by said city real or personal and may also pledge such amount of taxes as the city council may think proper and have the power to levy under this act of incorporation.

May issue bonds.

May close streets.

SEC. 19. *Be it further enacted*, That said city council shall be and are hereby invested with power and authority to close any street or part of any street which in the judgment of the council may be closed without detriment or inconvenience to the public, and may make such disposition of such streets or parts of streets so closed as in the judgment of the council may be best and most advantageous for the interest of the city; and the said city council is also invested with the same power and authority and discretion in relation to the disposition of all property real and personal belonging to the said city, or which may hereafter be owned by said city; all property and rights of whatsoever description belonging to the said town of Selma, or which may belong to the said town of Selma, or which may belong to the said town at the time of the ratification of this act, as hereinafter provided, shall be and the same is by this act vested in the said city.



SEC 20. *Be it further enacted*, That this act shall not go into effect or be in force until accepted and ratified by a majority of all the legal voters of said ~~town~~ of Selma, but whenever so ratified shall have full force and effect according to its provisions; to ascertain the sense of the legal voters of said ~~town~~, the intendant and council of said ~~town~~ may cause a vote to be taken whenever and in such manner as the said intendant and council may prescribe: *Provided*, That at least thirty days notice of the time and place when and where said vote will be taken shall be given by said ~~intendant~~ by advertisement published in one or more newspapers in said ~~town~~; and every citizen of said ~~town~~ who would be competent to vote at an election for members of the legislature shall have the privilege of casting his vote in ascertaining the sense of the inhabitants of said ~~town~~ as to the ratification and acceptance of this charter; and if, when the vote shall have been taken after the giving of this notice by advertisement as aforesaid, it shall appear that a majority of the legal voters of said ~~town~~ have voted for the acceptance and ratification of this charter the same shall then and from thenceforth be in full force.

This act must be ratified by the people.

SEC. 21. *And be it further enacted*, That all laws and parts of laws which may contravene any of the provisions of this act shall be and the same are hereby repealed.

Repeals.

Approved, February 9, 1852.

[*Pamphlet Acts*, '51-2, p. 295.]

## A N A C T

To Extend and Define the Corporate Limits of the City of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened—*

That the corporate limits and boundaries of the city

Boundaries. of Selma, in the county of Dallas, shall be and the same are hereby designated and established as follows : That is to say, commencing on the south bank of the Alabama river, directly opposite the mouth of the creek called and known as Beach creek, where said creek empties into the Alabama river ; thence westwardly along the southern margin or bank of the Alabama river to a point opposite the mouth of the creek, called and known as Valley creek, where said Valley creek empties into the Alabama river ; thence directly across said river to the mouth of said Valley creek ; thence northwardly along the eastern margin of said Valley creek with its meanderings to within twenty-five feet of the centre of the Alabama and Mississippi River Railroad ; thence eastwardly within twenty five feet of the centre of said railroad, and parallel therewith, until until said railroad intersects the northern margin of the street, in said city, called and known as North street ; continuing thence eastwardly until reaching the eastern boundary of a street as marked and laid out on a map of the subdivision of the tract of land known as the Shearer tract, formerly belonging to the estate of Gilbert Shearer, deceased, which street is called and designated on said map as — street, said map having been deposited in the office of the Judge of the Probate of Dallas county for record, the street last named being the most eastern street laid out on said Shearer tract, and designated in said map ; thence southwardly along and following the western edge or margin, as nearly as may be, of a reservoir, natural water drain, until it reaches the said creek called Beach creek ; thence along the western margin or bank of said branch creek to the Alabama river ; and thence directly across said river southwardly to the place of commencement.

Judge of  
Probate.

Ordinances. SEC. 2. *Be it further enacted,* That the charter of said city of Selma, and the laws or ordinances passed and to be passed in accordance therewith, shall be applicable to and extend over the area and territory

embraced within the limits and boundaries of said city as by this act defined and established.

SEC. 3. *Be it further enacted*, That no portion of <sup>Taxes.</sup> the lands or personal property or persons to be brought within the corporate limits of said city by force of this act, shall be taxed or liable for any debt or obligation of said city, created prior to the year eighteen hundred and sixty.

Approved, February 21, 1860.

[*Pamphlet Acts*, '60-1, p. 377.

## A N A C T

To Amend the Charter of the City of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened—*

That the Act entitled An Act to incorporate the city of Selma, approved February 9th, 1852, be and the same is by this act altered and amended as hereinafter specified and enacted.

SEC. 2. *And be it further enacted*, That the number of councilmen of said city of Selma, shall be, and the <sup>Number of councilmen increased.</sup> same is hereby increased from five to seven to take effect at and after the next election of councilmen; that at the next and all subsequent elections of councilmen for said city, seven councilmen shall be elected in the manner provided for the election of councilmen under the provisions of the act aforesaid, hereby amended, and the act entitled "An Act to amend the charter of the city of Selma," approved February 8th, 1858: *Provided*, and it is hereby enacted that <sup>Provided.</sup> the mayor and councilmen of said city shall hereafter be elected for two years, and shall hold their offices for two years, or until the election and qualification of their successors, and elections for mayor and councilmen shall after the next election of said officers be made biennially, instead of annually, as heretofore, the time and place of said elections to be appointed, and

the elections to be managed and conducted as authorized by and under the provisions of the acts aforesaid.

Quorum.

SEC. 3. *And be it further enacted*, That after the next election of mayor and councilmen of said city, it shall require at least four councilmen in conjunction with the mayor or *pro tempore*, in case of the appointment of a *pro tempore* mayor, to form a quorum for business, and a meeting composed of five councilmen shall have power to appoint any one of the councilmen to act as mayor *pro tempore*, in the absence or during the sickness of the mayor; and the mayor *pro tempore* for the time of his appointment shall have power to discharge all the duties and functions of the mayor.

Laws must  
be approved  
by mayor.

SEC. 4. *And be it further enacted*, That it shall require a majority of all the councilmen present at any meeting of the council, to pass any law, ordinance or resolution, every law or ordinance which shall be passed by the council shall be presented by the clerk of the city to the mayor for his approval and signature, and if he approves and signs such law or ordinance, the same shall thereby become operative, but not otherwise, except as hereinafter provided, that is to say: If the mayor shall disapprove any law or ordinance, he shall return the same with his objections to the next regular meeting of the council, and in such case the mayor shall fail to return such law or ordinance as required, the council shall at the next regular meeting of the council after the passage of any law or ordinance, disapproved or not returned as aforesaid, or at the next succeeding regular meeting of the council, as the council may determine, proceed to vote upon such ordinance or law disapproved by the mayor, or not returned as provided, as the case may be; and if it shall appear that two-thirds of the councilmen present at the meeting and forming a quorum, approve of such law or ordinance by voting for the same, such law or ordinance shall thereby become operative; and in every case where a two-thirds vote is required to give validity to any law or ordi-

Two-thirds  
vote neces-  
sary.

nance without the approval of the mayor, the vote shall be taken by ayes and noes, and duly registered on the minutes of the council; and no law or ordinance of the council shall be operative without being approved and signed by the mayor, or without the approval of a vote of two-thirds of the council, to which the same may be submitted as provided, after the return of the same with the objections of the mayor, or failure to return as provided.

SEC. 5. *And be it further enacted*, That the said city council shall have power to lay off said city into such number of wards as they may deem proper, and to fix the boundaries or limits of the same, and to alter such limits, and to increase or diminish the number of wards at their discretion. Boundaries.

SEC. 6. *And be it further enacted*, That the thirteenth section of said act hereby altered and amended be, and the same is hereby repealed, except as hereinafter provided. The said city council shall cause an annual valuation to be made of all lands within the corporate limits of said city subject to taxation, which shall be done by such discreet and competent person or persons who shall be a freeholder or freeholders in said city, as the city council may appoint for that purpose, and it shall be the duty of the person or persons so appointed to proceed to discharge the duty committed to him or them, as soon as practicable, and for that purpose shall make out a careful schedule of all lots or parcels of land in said city subject to taxation, and designate and describe the same by numbers or otherwise, so that the same may be ascertained by the numbers or description, and having done this shall place a valuation of each lot or parcel of land, stating the owner in every case when known, and when unknown, so stating. On the completion of said schedule and valuation, the same shall be returned to the office of the clerk of the city, and shall be in the custody of said clerk, and shall be open to the inspection of all persons who may be interested in the valuation. On the completion and re- Valuation.  
Open for inspection.

Notice.:

turn of said schedule and valuation, it shall be the duty of the mayor to cause notice to be given by advertisement in some newspaper published in said city, for at least ten days, of the completions, and filing in the office of the clerk of said city, of said schedule and valuation of the real estate within the city, and that the same is open to inspection, and that all persons who may be dissatisfied with the valuation made may come in within a time to be designated by the city council and to be stated in said advertisement, (which time shall not be less than ten days,) and file

Objections.

objections to the valuation, which objections shall be in writing, and filed with the city clerk, in every case, when no objections shall be filed within the time prescribed to the valuation, the owner or owners of the land as valued shall not have the right thereafter to object to such valuation. But the city council shall have power at any time before final action by the council, in relation to the valuation, to make such corrections in the valuation, either by increasing or diminishing the valuation as the facts and justice of the case may seem to them to require. After the expiration of the time prescribed within which objections to the valuation of lands may be made, which objections in all cases must be in writing and filed as aforesaid, the city council shall proceed with all convenient dispatch, to hear and determine the objection or objections, on such testimony or facts as may be within their knowledge, or may be produced before them, and if it appear to them that the valuation is incorrect, they shall make such alterations in the valuation, either by reducing it when too high or raising it when too low, as the facts of the case may in their judgment render proper, otherwise the valuation as made shall stand; in the valuation of all lands within said city subject to taxation, such scale and system shall be adopted as shall be calculated to render the valuation as between the owners of the lands to be valued, as nearly equal and equitable as practicable; the mayor shall cause notice to be given

Alteration  
in valuation.

to persons contesting the valuation of lands, and who may have filed objections as above provided, by publication in a newspaper within the city or by personal notice, as he may deem proper, stating the time within which objections to the valuation will be heard and determined, and after such notice the council shall proceed to determine and decide upon the objections which may have been filed within the time specified in the notice, which may have been given for the hearing and determining of the objections, unless the hearing and decision be postponed for reasons which may appear sufficient to the city council. It shall be the duty of the clerk of the city to keep a record of all the proceedings of the city council, and enter the same upon the minutes to be kept by him for that purpose, of the proceedings of the council in relation to the determining of objections which may be made to the valuation of lands as provided, as well as of all other business of the city council. The city council shall have power to fix the dates and periods for the assessment of all the property within the city liable to taxation, so as to render the person or persons who may have the ownership or possession of the property so liable to taxation, on a day or within a period to be fixed by them, liable for the taxes thereon for the year, or for a less period, as the city council may prescribe, but the city shall have and hold a lien on all property subject to taxation for the taxes which may be due and unpaid thereon, whether or not the ownership or possession thereof, shall have been changed. After the valuation of lands in said city subject to taxation shall have been completed, and the valuation approved by the city council, the valuation as made and the approval thereof by the council shall be certified by the mayor and clerk of the city, under the seal of the city, which certificate and seal shall be attached to the schedule of valuation, and make reference to it, and the whole shall be carefully preserved among the archives of the city by the city clerk. The said city council shall appoint some

Dates of assessment.

Valuation to be preserved.

Appoint-  
ment.

trusty and competent person or persons to ascertain all personal property within said city subject to taxation, and all persons within the city subject to poll tax or other taxes, and the sales of merchandise, and all other subjects of taxation within the city, and for the purpose of discovery of property subject to taxation, the amount of sales of merchandise, and of all other subjects of taxation, the person or persons appointed for this service by the city the council shall

Duties.

have the power and it shall be his or their duty to require schedules or statements under oath or affirmation of all persons who may be supposed to be possessed of any personal property or other subjects of taxation, (other than real estate,) and who may be or may have been engaged in vending merchandise of any kind within the city, and who may be deemed subject to taxation or liable for taxes in any way (except on real estate,) and in case any person or persons

Case of re-  
fusal to  
make re-  
turns.

shall refuse to render the required schedule or statement under oath, or if a statement or schedule shall be rendered in any case which the person or persons authorized and appointed to take the same shall have reasons to believe is incorrect, the person or persons who may be appointed to this duty shall adopt the best means and resort to the best evidence which may be available to ascertain the true facts of the case, and make and return a statement thereof, accordingly. The person or persons who may be appointed to take the schedules and statements aforesaid, and to ascertain and report upon the personal property and persons subject to taxation, and other subjects of taxation shall be competent to administer all oaths or affirmations required :

False oath.

and any person who shall wilfully make a false oath or affirmation in any schedule or statement he or she may render or make as required, shall be guilty of paying and be subject to the pains and penalties for that offence. On the completion of the schedules and statements of the personal property, and persons and sales of merchandise and of other subjects of taxation aforesaid, other



than lands, the person or persons appointed for that duty and service shall make a clear and complete statement thereof in due time to the city council, and the same shall be examined by the city council, and approved by the council if correct, or if found incorrect in any particular, the council shall cause the proper correction to be made. After the schedules and statements shall have been examined by the council and corrected, when corrections may appear to be required, the schedules and statements as approved and corrected, shall be certified by the mayor and clerk of the city under the seal of the city, as correct schedules and statements according to their import, and the same shall be carefully filed by the clerk of the city, and preserved among its archives. It shall be the duty of the clerk of the city or such other officer or person or persons as the city council may appoint for that purpose, to make out a correct statement from the valuation of lands within the city subject to taxation, and from the schedules and statements of personal property, and persons and sales of merchandise, and other subjects of taxation when returned and approved as provided, and of the amount of taxes due thereon according to the rates of taxation which may have been levied or assessed by the city council, with the names of the persons and parties liable to taxation when known and a statement of the amount of taxes due or to be due on such lot or parcel of real estate as valued, and on other property and against all persons and parties within the city, and on the completion of said statements to lay the same before the city council, whereupon the said council shall examine the same and make such corrections therein as may be required. This being done, it shall be the duty of the mayor and the clerk of the city to certify the same under the seal of the city as a correct statement and account of the taxes due said city, according to the valuations and assessments approved by the council of said city, which statements and accounts so made and certified shall be filed by the clerk of said city

Council to  
examine  
statement.

Statement  
to be certi-  
fied by  
mayor and  
clerk.

and preserved among the archives of the city, and shall have the force and effect of a judgment against the persons and property named and specified therein for the amount of the taxes shown to be due in each case respectively, according to the specifications in said account and statement. Said taxes when so assessed, stated and certified shall be collected by such trusty and competent person or persons, or officer, as the council of said city may appoint for that purpose, said collections to be made within such reasonable time as said city council may by ordinance or resolution designate and require. It shall be the duty of the clerk of said city in all cases when the taxes due shall not be paid according to the requirement of said city council, to make out a statement of the taxes appearing to be due according to the certified account and statement aforesaid, in all such cases of non-payment of taxes, which statement shall be certified by the clerk and mayor of said city, as a correct statement of the amount of taxes due in such case or cases, and thereupon said statement shall have the force and effect of an execution, to be returnable within such time and manner as the council of said city may by ordinance or resolution appoint, and when not satisfied, alias statements may be issued when deemed proper by the mayor of the city. All such statements may be levied, and sales and collections made thereunder on personal property as levies and sales of such property are authorized under executions from justices of the peace, with the same advertisement, where personal property sufficient to satisfy the demand can be found, otherwise the person or officer who may be charged with the duty of making the collection, shall return the statement with a certificate to the effect that personal property sufficient to satisfy the taxes due in the case and liable for the same cannot be found. It shall thereupon be the duty of the clerk of the city to make out another statement of the same kind, and to state therein, that return having been made that personal property suf-

Taxes—  
how collect  
ed.

When not  
aid.

ficient to satisfy the taxes due in this case and liable for the same cannot be found, this will be levied on real estate, which order shall be signed by the clerk of the city and mayor, under the seal of the city, and shall have the force and effect of an execution duly issued on a judgment of the circuit court of the county of Dallas, in this State, and may be levied on any lands or other property liable to levy and sale under a valid execution from the circuit court of said county of Dallas, and such property or a sufficiency of it to satisfy the amount of taxes due in the case, with the costs and interests, where interest is due, shall be sold by the person or officer charged with the duty of making the collection in the same manner that similar property would be required to be sold by the sheriff under an execution from the circuit court of said county of Dallas: *Provided*, That the sale may be made in the city of Selma, and that the person or officer authorized to make the collection and sale shall give notice thereof by advertisement to be published in some newspaper published in said city, at least four consecutive weeks prior to the sale, specifying the property to be sold, and the name of the owner when known: *Provided further*, That if the owner of the property be unknown, or shall reside out of this State, said advertisement shall be published for twelve consecutive weeks prior to the sale, in case the property to be sold shall be real estate. All such sales shall have the same force and effect to divest the title of the property sold out of the owner and to vest it in the purchaser as a sale and proper conveyance under it to the purchaser, duly made by the sheriff under a valid judgment and execution of the circuit court of said county of Dallas would have: *Provided*, That in sales of real estate, the owner whose title shall have been so divested shall have the same right to redeem the same, and under the same rules and regulations, and on the same terms, and within the same time, as is or may be by law of this State, secured to defendants whose

When property cannot be found.

Provided.

Rights to redeem.

Certificate.

lands may be sold under judgment and execution of the circuit court: *And, provided further*, as a requisite to the title of the purchaser of real estate sold or to be sold as herein above provided, that the person or officer making the sale shall give the purchaser a certificate in writing, to be signed by him, setting forth substantially the statement or process under which the sale was made, the date and amount thereof, the description of the property sold, the amount for which it was sold, the date of the sale, and the name of the purchaser or purchasers, which certificate shall be submitted to the mayor of said city for his inspection and examination, and if found by him to be correct he shall annex thereto his certificate as mayor under the seal of said city, setting forth substantially that he has examined the said certificate, and that the same is true and correct and in proper form, and that the sale therein referred to was duly made under competent authority by the authorized officer of the city of Selma. The said certificate when thus approved and certified by said mayor, shall be evidence *per se* of the facts stated, and shall operate as a deed of conveyance of the lands to be specified therein, but may be rebutted by other evidence, and said certificates may be recorded in the courts provided by law for the record of deeds, as deeds of conveyance of lands duly probated may be recorded, and with the same effect as notice and otherwise.

Interest.

SEC. 7. *And be it further enacted*, That in all cases when taxes due said city shall not be paid within the time required by the city council of said city the amount thereof shall bear interest from the expiration of such time, when statements shall be issued to operate as executions as provided in the last preceding section, the officer issuing such statements certifying them, (except the mayor) shall be entitled to the same fees, to be paid by the party or property liable for such taxes as are or may by law be allowed to justices of the peace for similar services, and the officer authorized and who may be charged with the

collection of the amount due on any such certificate, shall be entitled to the same fees as are or may by law be allowed to constables for similar services, to be paid in the same manner; all persons owing taxes to said city and all property shall be chargeable with all costs to be incurred in the advertisement and sale of property which may be sold as provided in the last preceding section.

SEC. 8. *And be it further enacted*, That said city shall have the right when property cannot be found out of which to collect taxes or other debt which may be due the city, on the return of the person or officer who may be charged with the duty of making collections in any case, that no property can be found out of which to make the amount of the taxes or debt as the case may be to the process of garnishment, to be issued by a justice of the peace, when the demand shall not exceed fifty dollars, and by the clerk of the circuit court of the proper county where it exceeds that amount, in the first place requiring the garnishee to appear before a justice of the peace, in the other before the circuit court, and make answer to the garnishment, which process of garnishment may be issued upon the application of the mayor or any officer or agent of said city, an oath being made by the applicant of the sum due the city, and stating some person or persons supposed to be indebted to the debtor or to have property or effects of the debtor in his or her possession. In this process the certified statement of taxes due as provided for in the sixth section of this act shall for the purposes of the garnishment allowed be deemed and taken as a judgment of the tribunal from which the process may issue, and judgment may be given thereon as in other cases against any party summoned as garnishee.

SEC. 9. *And be it further enacted*, That the 13th section of the act hereby amended, shall be and remain in full force so far as relates to taxes assessed, and payable prior to the passage of this act, and to all done and proceedings had under it.

Tax collector.

SEC. 10. *And be it further enacted*, That person or persons or officer who may be appointed by the city council collector of the taxes due or to come due to said city, shall be styled "Tax Collector or Collector of the city of Selma," as the case may be; and such officer or officers shall be chargeable with and accountable for the whole amount of the taxes which it shall be his or their official duty to collect, and such officer or officers shall discharge himself or themselves from liability personally, and on his or their official bond for such taxes, by collecting and paying the amount collected into the treasury or to the treasurer of the city, or by showing that the taxes due in any case could not be collected by due diligence, and that such diligence has been used, authority being vested in said city council to appoint a single tax collector for the whole city, or to appoint different collectors for different parts of the city, as they may deem best. Every officer of said city shall be liable personally and on his official bond with his securities where bond and security are given in accordance with the conditions of the bond for defalcation of official duty, and for all breaches of condition in any bond or bonds which may be given to said city, in any court having jurisdiction of the parties and subject matter under the laws of this State.

How appointed.

Powers in case of sale.

SEC. 11. *And be it further enacted*, That in every case of the sale of real estate under the provisions of this act, it shall be the duty of the officer making the sale, and he is hereby invested with power to put the purchaser in possession of the property which may be sold.

Tax on slaves.

SEC. 12. *And be it further enacted*, That said city council shall have power to levy and collect a tax on all slaves brought into the city and exposed for sale by traders in slaves, provided said tax shall not exceed five dollars on each slave so brought into said city and exposed for sale.

SEC. 13. *And be it further enacted*, That said city council shall have power to levy and collect a tax on

all hawkers and peddlers, and on all itinerant merchants or venders of goods or merchandize of any kind within said city: *Provided*, That such tax shall not exceed twenty-five dollars, and shall not be levied oftener than once against the same party in any one month; and shall not be applicable to persons who may be vending the productions of this State.

SEC 14. *And be it further enacted*, That said city council shall have power to prevent and cause the removal of all nuisances within said city, such as all decayed and dilapidated houses or structures calculated to produce disease of any kind, or unfit for use or habitation, and things producing noxious smells in frequented parts of the city, and things producing unhealthy exhalations and prejudicial to the health of the city, and things calculated seriously to impair the comfort and convenience of inhabitants of the city. And when any such nuisance shall be found on private property within the city, said council shall have power to cause notice to be given to the owner of such property to remove such nuisance, and if the owner shall neglect or refuse to remove the same within such reasonable time as the city council may require, the city council shall have power to cause the removal or abatement of such nuisance to be made at the expense of the owner of the land on which the nuisance may exist, and the cost of the removal or abatement shall be chargeable to the owner of the land on which the nuisance existed; and suit may be brought against such owner in the name of the city, and judgment recovered therefor in any court having jurisdiction, and in case the owner of the land on which any such nuisance may exist, shall be a non-resident of the State, the required notice be served on his or her agent, if there be such agent in the city; otherwise, by publication in a newspaper published in said city for four consecutive weeks and the cost of such advertisement shall be chargeable to the owner of the lands on which the nuisance may exist. And in case such nuisance shall exist on lands

belonging to the estate of any deceased person or to minors, the required notice aforesaid may be served on the executor or administrator of the deceased, or the guardian of the minor, as the case may be, if residents of this State; otherwise by publication as above provided.

Powers of city council as to fire companies.

SEC. 15. *And be it further enacted*, That said city council shall have power to establish fire companies, and to pass ordinances for regulation and management of the same, to erect and establish hospital and work houses, and houses of correction, and to enact proper regulations and laws for the management of the same; to establish and regulate party fences, and to determine by whom the same shall be built and kept in repair; to provide public burying grounds, and establish or change the same as they may deem best and most advantageous for the city and its inhabitants, and to enact all proper laws and regulations in relation to the same; to construct or cause to be constructed and kept in repair side walks and pavement in such parts of the city as in their judgment is required for the convenience of the public and the inhabitants of the city, and when such side-walks or pavements are required on private property or land belonging to individuals, the said council may require them to be made and kept in repair by the owner of the land, if such side-walk or pavement be required on a lot or lots on which there may be a house occupied or rented by the owner of such lot or lots, and if in such case the owner of the lot or lots, shall fail or refuse to make or repair such side-walk or pavement within such reasonable time as may be required by the city council, said council may have the same done at the cost of the owner, and the proper expense thereof shall be chargeable to such owner, to be recovered by suit in the name of said city in any court having jurisdiction of the amount and subject matter: *Provided*, That such reasonable notice as the council may prescribe, shall be given to the owner of such property to make or repair such

As to party fences.

Burying ground.

Side walks, &c.



side-walks or pavements, by personal service on the owner if he be a resident of this State; and if not by service on his agent if there be such agent in said city, otherwise by publication for four consecutive weeks in some newspaper published in said city, or if the land belong to the estate of a deceased person or minor, by service on the executor or administrator of the deceased or guardian of the minor if within this State, otherwise by publication as above provided.

Notice to be given to owners of property to repair side-walks, &c.

SEC. 16. *And be it further enacted,* That said city council shall have power to pass all proper ordinances, and enforce the same for the prevention and suppression of all disorderly and unlawful assemblies within the limits of said city calculated to endanger the peace or security of the inhabitants, and to suppress all brothels and houses of ill-fame, and for the resort of notoriously lewd women, and shall have power to cause the arrest of all persons violating any ordinance of the council made for the suppression or prevention of the unlawful acts or practices aforesaid, or breaches of the peace, and inflict such fines and penalties as may be lawful in such cases and as said council may by ordinance not contrary to the laws of the State prescribe, and in default of the payment of any fine which may be lawfully assessed for violation of any lawful ordinance of said council, the mayor who shall have power to try all breaches of the ordinances of the city alone or in connection with one or more of the councilmen, shall have power to commit to prison the offender failing or refusing to pay such fine, for any period not exceeding thirty days, or until the payment of the fine and costs, and shall have power to require all offenders against the ordinances of said council, made for the preservation of the peace, safety or morals of the city, to give bond and security for such amount as the mayor may prescribe not exceeding five hundred dollars, conditioned to abstain from further violation of said ordinances, and on his, her or their failure or refusal to give the bond required, to commit the offender so failing or refusing to prison

Powers of city council

Fines and penalties.

Offenders may be imprisoned.

Vagrants  
may be ar-  
rested.

for any period not exceeding sixty days or until such bond be given, and shall have power to cause the arrest of persons of suspicious conduct and character, who may be found loitering about the city without regular employment and without visible means of support, or who may be found about places where depraved persons habitually resort, and may institute inquiry as to the general conduct and habits of such suspicious person or persons, and unless he, she or they shall be able to give such account of himself or herself as to show that his or her conduct and employment is lawful and proper, the mayor may require such person or persons to give bond and security in any sum not exceeding five hundred dollars for his or her good behavior, and in default thereof may commit such person or persons to prison for a time not exceeding sixty days, or until the required bond be given, or the mayor if he deem proper require such person or persons to leave the city not to return, and on refusal to comply with such order within the time to be prescribed by the mayor, such person or persons may be committed to prison for any period not exceeding sixty days, and until such person or persons shall consent to leave said city and stay away.

Approved, February 24, 1860.

[*Pamphlet Acts*, '59-60, p. 421.]

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## A N A C T\*

To Amend the Charter of the City of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened—*

That the act entitled an act to incorporate the city of Selma, passed at the session of the Legislature of this State of 1851-2, approved 9th of February, 1852, be

\*This Act should have followed "An Act to Incorporate the City of Selma," on page 13, preceding "An Act to Extend and Define the Corporate Limits of the City of Selma."  
—[PRINTER.]

and the same is hereby altered and amended by this act as hereinafter specified; that is to say, by changing the last paragraph of the seventh section of said act commencing "on every vender of goods, wares," &c., to the conclusion of said seventh section, so as to read as follows, to wit "on the business of every vender of goods, wares and merchandize, drugs and medicines or either of them, a tax of not exceeding the rate of one-fourth of one per cent. on the amount of sales of such venders."

SEC. 2. *Be it further enacted*, That said act be and the same is hereby further amended as follows: that is to say, by changing the proviso at the conclusion of the second section of said act relating to the qualification of voters, so as to read as follows, to wit: "*Provided*, He shall have been actually or legally a Provided. resident citizen of said city for six months next preceding the election, and shall have performed the service upon the streets of the city which may be required by ordinance of the city; or shall have paid the assessment for street tax which may be provided by ordinances as a street tax in lieu of such Poll tax. service, and shall have paid the poll tax of the city which may be assessed by ordinance of the city, and not Mayor and councilmen otherwise. And at all elections of mayor and councilmen, it shall be the duty of the existing board of mayor and councilmen, to furnish the judges of the election, a list of such persons as may be in default in regard to such street service or assessment or poll tax, for reference at the election."

SEC. 3. *Be it further enacted*, That the foregoing amendments shall form and constitute part and parcel of the act aforesaid incorporating said city; and the said act so altered and amended, shall be and remain in full force.

Approved, February 6, 1858.

[*Pamphlet Acts*, '57-8, p. 223.]

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# THE CODE

OF THE

# CITY OF SELMA.

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## CHAPTER I.

### GENERAL PROVISIONS APPLICABLE TO THIS CODE.

SEC. 1. All ordinances heretofore passed by the City Council of Selma, which in any manner conflict with the provisions of this Code, are hereby repealed in so far as they may conflict; and all ordinances the subject matter whereof is covered, or in any manner provided for, in this Code, are hereby repealed in so far as the same may be provided for herein.

Repeal of existing ordinances.

SEC. 2. Neither the adoption of this Code, nor any provision therein contained, shall have the effect to release any person from any penalty or forfeiture which has been incurred previous to its adoption.

Code not to affect penalties already incurred.

SEC. 3. Words used in this Code, in the present or past tense, may include the future, as well as the past and present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and the plural the singular.

Signification of words. Tense. Gender.

SEC. 4. The word "person" signifies a corporation as well as a natural person. The word "property" includes property, real and personal. The words "real property" are co-extensive with lands, tenements and hereditaments. The words "personal property" include money, goods, chattels, things in action, evi-

Person. Property. Real property.

Personal property.

Negro.

Person of color.

dences of debt, deeds and conveyances. The term "negro," within the meaning of this Code, includes slaves and free persons of color. The term "person of color" signifies a person of mixed blood, descended on the part of the father or mother from negro ancestors to the third generation inclusive, though one ancestor of each generation may have been a white person.

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## CHAPTER II.

### CITY OFFICERS.—THEIR ELECTION, DUTIES, AND COMPENSATION.

- ARTICLE 1. Elections.
- " 2. Mayor.
  - " 3. City Council.
  - " 4. Clerk.
  - " 5. Treasurer.
  - " 6. Marshal.
  - " 7. Attorney.
  - " 8. Printer.
  - " 9. Removals from Office.
  - " 10. Fees.

### ARTICLE 1.

#### ELECTIONS.

Biennial election of mayor and councilmen on 1st Monday in May-

SEC. 5. The election for Mayor and seven Common Councilmen, authorized by the Charter and the amendments thereto, shall be held biennially, on the first Monday in May, at such place in the City as the City Council may appoint.

Appointment of inspectors, clerks and returning officer. Failure of inspectors to attend,

SEC. 6. Such elections shall be managed by two Inspectors, two Clerks, and one Returning Officer. The City Council shall by resolution appoint the Inspectors. In case the Inspectors, or either of them, are not in attendance at the time and place appointed for the opening of the polls; their places may be supplied by any freeholders of the city, who may be in attendance, and the acting Inspectors shall appoint the Clerks and the Returning Officer. Before proceeding to the election, they shall take the oath prescribed by

Their oath.

Section Two hundred and two of the Code of Alabama. The polls must be opened at 9 A. M., and closed at 5 P. M.

SEC. 7. Only such persons shall be entitled to vote at said elections as are qualified by the laws of Alabama to vote for members of the Legislature, and who have been resident citizens of Selma for six months next preceding the day of election, and who have performed the service upon the streets of the city which may be required by ordinance of the city, or shall have paid the assessment for street tax, which may be provided by law as a street tax, in lieu of such service, and who have paid their poll taxes for the year next preceding the election. And it shall be the duty of the City Clerk to furnish the Inspectors with a complete list, alphabetically arranged, of those who have paid the said taxes, and it shall be the Inspectors' duty, by constant reference to said list, to prevent unqualified persons from voting.

Qualifications of electors.

Clerk to furnish list of those qualified.

SEC. 8. When the polls are closed, the Inspectors shall proceed to have the ballots counted out, and shall thereupon certify to the City Council the result of the election, and return with their certificate the ballots and poll lists kept by the Clerks.

Votes counted out and certified to the council.

SEC. 9. Any qualified elector who may be aggrieved by the result, as certified to by the Inspectors, may appeal therefrom to the City Council, by filing his objections in the Clerk's office within five days after the election, verified by an affidavit that he believes the contents of his objections are true and correct.

Contested elections.

SEC 10. Upon the filing of such objections, the Council shall proceed to hear such objections, and may examine such witnesses as are produced before them. When necessary they may recount the votes, and only when necessary may compare the ballots with the poll lists; and shall render such decision as the law and justice of the case may require.

Council to hear and decide contested elections.

SEC. 11. At the expiration of the five days, the Council having heard any objections that may have been filed, shall proceed by resolution to declare the

Council to declare the result of the election.

result of the election, which, with the certificate of the inspectors, and the proceedings had upon objections filed as aforesaid, must be entered of record upon the Minutes of the Council, and then and thereafter, those who may have been elected, shall proceed to the discharge of their duties.

Illegal voters punished.

SEC. 12. Any person who shall vote at any election in the city, who has not the qualification required by law, shall, on conviction, be fined not less than twenty dollars, and imprisoned not more than thirty days, one or both at the discretion of the officer trying the offender.

## ARTICLE 2.

### MAYOR.

Duties of mayor.

SEC. 13. It shall be the duty of the Mayor to preside at all meetings of the City Council, and shall from time to time lay before the Council in writing such alterations in existing laws, and such measures for the good government and interest of the city as he may deem necessary and proper.

Mayor must see that officers perform their duties, and report negligence to council.

SEC. 14. It shall be the duty of the Mayor to see that all the laws of the city are faithfully and promptly executed; and he must report to the Council any negligence or misconduct on the part of any of the officers or employees of the city, and he shall perform such other duties as the charter and amendments thereto, and the laws of the city may require of him.

Salary.

SEC. 15. For the performance of his duties the Mayor shall receive an annual salary of eight hundred dollars, payable quarterly.



## ARTICLE 3.

## CITY COUNCIL.

SEC. 16. The City Council shall meet regularly on the last Saturday of each month, for the transaction of such business as may be brought before it. Five members shall constitute a quorum at any and all meetings. Regular meetings.

SEC. 17. There may also be meetings called by the Mayor, or by two Councilmen, at any time; at which called meetings, however, no appropriations exceeding fifty dollars in amount, shall be made, nor any ordinance or resolution adopted, requiring such appropriation, nor any change made in the existing laws and ordinances, unless every member of the City Council at the time in the State, has had notice of the meeting, and of the business proposed to be transacted. Called meetings.

SEC. 18. Every ordinance which shall have passed the City Council, shall be presented to the Mayor for his approval and signature, and if he approves and signs the same, it shall become a law; and if he should not approve it, he must return it, with his objections in writing, to the Council at their next meeting. In cases of non-approval, or failure to return the ordinance, the Council shall proceed to re-consider their vote, and in case two-thirds of the Council present vote for the adoption of the ordinance, the same shall become a law; otherwise it shall not. Mayor's approval of ordinances required. A two-thirds vote may pass ordinance over mayor's veto.

## ARTICLE 4.

## CLERK AND TAX COLLECTOR AND TAX ASSESSOR.

SEC. 19. There shall be annually elected by the City Council a Clerk of the city, who shall give bond in the sum of ten thousand dollars, conditioned for Election of clerk. Bond.

the faithful performance of all duties, which may be legally imposed on him, as Clerk and Tax Collector and Tax Assessor of the city. He shall keep his office in the city building, and attend there from nine A. M. till two P. M. every day, Sundays excepted.

**Must attend and keep records of proceedings at meetings of council.** SEC. 20. It shall be the Clerk's duty to attend all meetings of the City Council, and make and preserve full and complete minutes of all proceedings of the Council. He shall keep a separate book, in which shall be entered in full all ordinances and laws of the city, with a copious index thereto. He must file and preserve in his office all books and papers of all kinds belonging to the city. He must keep a book of accounts, in which shall be entered regularly a statement of all amounts of money received by him for and on account of the city, and all payments made by him to the Treasurer; said book must show the date and source of every receipt of money. He shall make entries of all appropriations made by the City Council; and all warrants therefor must be drawn by him on the City Treasurer, and he must record the date, number, and amount of the warrant, and to whom payable, and take receipt from the person to whom it was paid. He shall perform such other duties as may be required of him by law or ordinance of the city. He shall receive a salary of four hundred dollars per annum, payable quarterly, in addition to fees as clerk.

**Must pre-serve pa-pers and books.**

**Must keep account of city finances.**

**Must draw warrants on Treasury for appropriations.**

**Salary.**

**Shall be tax collector of the city.** SEC. 21. The Clerk shall also be Tax Collector of the city, and as such it shall be his duty to proceed immediately on the assessment of the taxes to the collection of the same, and shall be chargeable and held accountable for the whole amount of the assessed taxes in each year, and shall only be released from such liability by showing insolvency of the person whose taxes he has failed to collect, and by showing the impossibility of the collection of the taxes uncollected. He shall receive a salary as such of two hundred dollars per annum, payable quarterly, and such fees as are allowed by the tax laws of the city.

**Held ac-countable for the whole amount of taxes levied Exception.**

SEC. 22. It shall be his duty to pay over to the Treasurer once in every month, and oftener if required by the Council, all money collected by him, and report to the Council at every regular meeting, the amount so collected and paid over, which said reports must be filed and abstracts thereof entered on the minutes of the Council.

Must pay over money to treasurer and report to council.

SEC. 23. He shall make diligent inquiry and at every regular meeting of the Council, report any and all taxable property not included in the assessment. Said report shall contain a description of the property, and the name of the owner or owners thereof, and the valuation thereof, verified by his affidavit. The Council shall thereupon proceed to assess said property as in other cases.

Must enquire for and report unassessed taxable property.

SEC. 24. The Clerk shall also be *ex officio*, assessor of the taxable personal property of the city, and shall as such perform the duties required of him, and receive the fees allowed by the tax laws of the city, and shall also receive a salary of one hundred dollars per annum, payable quarterly.

## ARTICLE 5.

### TREASURER.

SEC. 25. There shall be annually elected by the City Council a City Treasurer, who shall give bond in the sum of five thousand dollars, and receive a salary of two hundred and fifty dollars per annum, payable quarterly.

Treasurer's election. Bond.

Salary.

SEC. 26. It shall be the Treasurer's duty to receive from the City Clerk and safely keep, all money belonging to the city, coming from every source, and pay the same out only by the appropriation of the City Council, on the warrant of the City Clerk, and shall keep a regular account of all moneys received and paid out by him on account of the city, and shall

Must receive and account for city revenues.

make quarterly reports of his receipts and payments, to the City Council.

Must pre-serve books and papers.

SEC. 27. He shall carefully file and preserve all books and papers connected with his office, and deliver the same on the expiration of his term to his successor.

## ARTICLE 6.

### MARSHAL.

Marshal's election.

SEC. 28. The City Council shall annually elect a City Marshal, to serve one year, or until his successor is elected and qualified, who shall give bond in the sum of one thousand dollars, conditioned for the faithful discharge of his duties, and receive as compensation one thousand dollars per annum, payable quarterly. Before entering upon the discharge of his duties, he must take and subscribe the following oath, viz:

Bond.

Salary.

Oath.

"I, — —, do solemnly swear that I will faithfully discharge all the duties of City Marshal of Selma, to the best of my ability and knowledge, without fear, favor or partiality, so help me God." The bond and oath must be filed by the Clerk.

Duties. Must patrol the streets.

Preserve order.

Execute process.

Shall control police and patrol.

Shall keep streets in order.

SEC. 29. It shall be the duty of the Marshal to patrol the streets of the city at all reasonable hours, but especially on the Sabbath; to preserve order, and arrest all violators of city laws or ordinances, and bring them before the City Court, and to stop all rude, riotous or disorderly conduct. He shall execute all warrants, subpoenas, and other process, issued by city authority. The Deputy Marshal and all policemen and patrols shall be under the direction and control of the Marshal.

SEC. 30. It shall be the Marshal's duty to see that the streets are kept in good and proper condition, and he shall have a general superintendence of all who may be working on the streets.

SEC. 31. The Marshal shall make out and keep a correct list of all persons liable to perform patrol duty, divide them into squads, and appoint leaders for every squad, and report daily to the Clerk all defaulters from patrol duty. Shall make lists of patrols and report defaulters.

SEC. 32. The Marshal shall be vigilant, and take all proper means to prevent the violation of all the laws relative to slaves and free negroes, and especially the laws respecting illegal traffic with slaves. Special duty to enforce observance of laws about negroes.

SEC. 33. The Marshal shall collect all fines and forfeitures and costs, and immediately pay over the same to the City Clerk. Must collect and pay to clerk fines, &c.

## ARTICLE 7.

### CITY ATTORNEY.

SEC. 34. There shall be elected annually by the City Council, a City Attorney, whose duties shall be: Election. Duties.

1. To institute and carry on all actions of law or in equity, in favor of the city, to final judgment, and to defend all suits brought against the city where a defense should be made.

2. To appear before the City Court when notified by the Mayor or a Councilman, and prosecute all persons charged with violations of the laws or ordinances of the city.

3. To investigate all titles on behalf of the city where required, in writing, and furnish written reports thereof.

4. To give a written opinion on any question of law, when required by resolution of the City Council or written request of any member thereof.

5. To reduce to writing all contracts where the city is a party, and to approve such written contracts before the same are perfected.

6. To furnish the Mayor, when required, with a written statement, previous to the trial of every case pending, where the city is interested, fully advising

him as to the legal points, the testimony necessary for the city, and all other matters relating thereto.

7. To furnish the Council with a written statement of all suits pending, wherein the city is interested, at least twice every year.

8. To pay over all money collected as Attorney for the city, within five days after the collection.

Salary.  
Bond.

SEC. 35. The City Attorney shall receive a salary of two hundred dollars per annum, payable quarterly, and must give bond in the sum of one thousand dollars, conditioned for the faithful performance of his duties, and shall also receive fair and reasonable fees for all services rendered the city outside of the city.

## ARTICLE 8.

### CITY PRINTER.

Election.

SEC. 36. There shall be annually elected by the City Council, a City Printer, who shall receive such pay as may be determined at the commencement of each municipal year.

Pay.

Duties.

SEC. 37. It shall be the duty of the City Printer to publish all laws, ordinances, notices and advertisements of all kinds which the City Council may require to have printed and published, and also to print promptly and neatly any and all matter which the City Council may require to have printed, for and on account of the city.

Bond.

SEC. 38. The City Printer shall be required to give bond, with sufficient sureties, in the sum of one thousand dollars, conditioned for the faithful performance

Forfeiture.

of his duties; and for any failure therein, or any negligence or tardiness therein, he shall forfeit any amount not exceeding the amount of his compensation, that the City Council may determine; provided,

Proviso.

that before the Council shall proceed to declare any such forfeiture, the delinquent shall have five days

notice thereof, and shall have opportunity to show cause or excuse for his delinquency.

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## ARTICLE 9.

### LIABILITIES OF CITY OFFICERS.

SEC. 39. It shall be lawful for the City Council at any time, when in their judgment the interests of the city require it, and then only, to remove from office any officer appointed or elected by said City Council. And if deemed proper, they may allow the vacated office to remain vacant, or they may at their discretion proceed to fill the same. Officers may be removed.

SEC. 40. When any officer of the city shall neglect, or without sufficient excuse, fail to discharge the duties required of him by city laws or ordinances, the City Council may, at their option, proceed to bring suit against the delinquent on his bond, or may declare a forfeiture of any portion of the delinquent officer's compensation, after having given him five days notice in writing, stating the delinquency complained of, and the time and place of the meeting of the Council. And the alleged delinquent shall have opportunity to make his defense in person or by counsel. Punishment of delinquents. Notice.

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## ARTICLE 10.

### FEES.

SEC. 41. The following fees shall be paid to officers hereinafter named. A Councilman performing the duties of the Mayor, shall be entitled to the fees allowed the Mayor.

|            |                                                                                                                                                                                 |        |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Mayor.     | 1. <i>To the Mayor</i> :—                                                                                                                                                       |        |
|            | For every license granted by him.....                                                                                                                                           | \$1 00 |
|            | For every execution signed by him.....                                                                                                                                          | 50     |
| Councilmen | 2. <i>To a Councilman</i> :—                                                                                                                                                    |        |
|            | For trying any case.....                                                                                                                                                        | 1 00   |
| Clerk.     | 3. <i>To the Clerk</i> :—                                                                                                                                                       |        |
|            | For every license issued by him.....                                                                                                                                            | 1 00   |
|            | For every statement or execution for taxes issued<br>by him.....                                                                                                                | 50     |
|            | For levying the same and making money there-<br>on, the same fees that are allowed by State<br>law to Tax Collectors for similar services, but<br>in no instance less than..... | 1 00   |
|            | For making deed to real estate, sold for taxes or<br>under execution.....                                                                                                       | 2 00   |
|            | For issuing subpoena for a witness.....                                                                                                                                         | 25     |
| Marshal.   | 4. <i>To the Marshal</i> :—                                                                                                                                                     |        |
|            | For arresting an offender.....                                                                                                                                                  | 2 00   |
|            | For summoning a witness.....                                                                                                                                                    | 25     |
|            | For confining an offender in city prison.....                                                                                                                                   | 1 00   |
|            | For whipping a negro.....                                                                                                                                                       | 1 00   |
|            | For every horse taken up and put in livery stable                                                                                                                               | 1 00   |
|            | For levying execution and making money....                                                                                                                                      | 1 00   |
|            | For taking any bond.....                                                                                                                                                        | 50     |
|            | For serving notices of any kind.....                                                                                                                                            | 25     |
|            | For taking up and impounding hogs, goats,<br>sheep, &c., each.....                                                                                                              | 25     |
|            | For feeding the same per day.....                                                                                                                                               | 10     |

City not  
liable for  
fees.

SEC. 42. The city shall not be required to pay the fees mentioned in the foregoing section, (except to Councilmen,) in cases where the person tried has been acquitted, or being convicted, shall be insolvent.



## CHAPTER III.

## FINANCIAL AND COMMERCIAL REGULATIONS.

- ARTICLE 1. Taxes.  
 " 2. Licenses and Licensed Occupations.  
 " 3. Market Regulations.  
 " 4. Weights and Measures.

## ARTICLE 1.

## TAXES.

SEC. 43. The City Council shall cause an annual valuation to be made of all the real estate within the corporate limits of the City of Selma, subject to taxation. Said assessment shall be made by three discreet and competent persons, who shall be freeholders in said city, and who shall be appointed by the City Council for that purpose, at their meeting held in April of each year; and it shall be the duty of such persons to proceed to discharge the duties committed to them, as soon as practicable; to make out a careful schedule of all lots or parcels of land, in said city, subject to taxation, and designate and describe the same, by numbers or otherwise, so that the same may be ascertained by the numbers or descriptions; and thereupon the said assessing committee shall proceed to assess the value of each and every lot or parcel of land in said city, on the 1st day of May; in every case stating the name of the owner at that date, when known, or when unknown, so stating.

SEC. 44. On the completion of said schedule and valuation, the same shall be returned to the office of the Clerk of the city, where it shall be open to the inspection of all persons interested therein; and it shall be the duty of the Clerk to notify the Mayor of such filing, whereupon, it shall be the duty of the Mayor to cause notice to be given by advertisement in some newspaper published in said city, for ten days, notifying all persons interested that said sched-

Valuation of  
real estate  
for taxation

Return of  
assessment  
to Clerk,  
and notice  
to objectors  
to file objec-  
tions.

ule and assessment has been made, and is on file in the Clerk's office, and open to the inspection of all persons interested, and requiring all persons who may be dissatisfied with said assessment of their property, to come in within ten days, and file with the Clerk of the city their objections to said valuations or assessments, which objections must be in writing; and when no objections shall be so filed, within the prescribed time, the owner or owners of the land, as valued or assessed, shall not have the right thereafter to object to such assessment; but the City Council shall have the right and power at any time before final action on said assessment, to make such corrections in the valuation as the facts and justice may seem to require; provided that in cases where the Council shall increase the valuation, as made by the assessors, the party or parties interested shall have ten days within which to make objection to the increased valuation.

Council may correct assessment.

Council to determine objections.

SEC. 45. After the expiration of the time prescribed for filing objections as aforesaid, it shall be the duty of the City Council on a day named in said advertisement, to proceed with all convenient dispatch to hear and determine all such objections so filed in writing, on such testimony or facts as may be within their knowledge, or may be produced before them by the parties interested; and if it shall appear that any of the valuations are incorrect, they shall alter such valuations, by raising or reducing them, as the facts of the case may in their judgment render proper and just, otherwise the valuation as made shall stand; and for this purpose the Council may adjourn from time to time until such objections shall be disposed of.

Scale of valuation must be equal.

SEC. 46. In all such assessment or valuations of lands within said city such scale and system shall be adopted as shall be calculated to render such valuations as nearly equal and equitable between the owners thereof as may be practicable.

Clerk to keep record of proceedings.

SEC. 47. It shall be the duty of the City Clerk to keep a record of all the proceedings of the Council, and enter the same upon the minutes, in relation to

the determining of objections which may be made to valuations of lands, as herein provided.

SEC. 48. After the valuation and assessment, as aforesaid, shall have been completed and approved by the City Council, the valuation as made and the approval thereof shall be certified by the Clerk and Mayor of the city, under the seal of the city, which certificate and seal shall be attached to the schedule of valuation, and make reference to it.

SEC. 49. The City Clerk shall be assessor of the taxable personal property within the city, and as such he must for ten days preceding the 1st of May of every year, by advertisement in the city newspaper, notify and require all persons to file in his office, by the 10th day of May, complete schedules or statements under oath, setting forth the amount and description of all their personal property subject to taxation, the amount of sales of merchandise for twelve months next preceding the 1st of May, and all other subjects of taxation, except real estate, which they may have in the city on the 1st of May; and the Clerk must also furnish all persons who may ask for the same with blank lists or schedules.

SEC. 50. In case the said schedules are not filed by the 10th of May of each year it shall be the Clerk's duty to proceed immediately to demand of all persons having taxable personal property, the schedules mentioned in the preceding section, and in case they refuse or fail on demand to render the same, or if a schedule is rendered which the assessor has reason to believe is incorrect, it is hereby made his duty to adopt the best means, and resort to the best evidence which may be available to ascertain the true amount and description of the taxable personal property aforesaid and report the same to the City Council.

SEC. 51. The Clerk shall be entitled to receive from every person who fails to file his schedule in the manner required in the two preceding sections, for every visit or application he may make to them for said schedules the sum of twenty-five cents, and

Certificate to schedule

The Clerk to be assessor of personal property.

Notice to tax payers to furnish schedules of property.

Clerk to demand schedules of those failing to bring them in.

And make out schedules of those refusing to furnish them.

Fees to be paid Clerk by those who fail to file schedules.

in case it becomes his duty by reason of a failure or refusal to render the same to prepare and report the same, he shall be entitled to a fee of two dollars, which said sums are to be taxed with the other taxes and collected in like manner from the person or persons liable therefor.

Return of assessment to City Council, and its approval and certificate thereof

SEC. 52. When the assessor shall have completed the schedules and statements of all personal property, and persons, and sales of merchandise, and all other subjects of taxation, except real estate, it shall be his duty forthwith to make a clear and complete statement thereof to the City Council, and after the Council shall have examined, corrected, if any corrections shall be needed, and approved the said returns or statements, the same shall be duly certified by the Mayor and City Clerk, under the seal of the city, as correct schedules, according to their import.

The assessments, &c., must be completed by the 10th June.

SEC. 53. The assessments, valuations, schedules, reports and certificates, herein above required to be made, must be fully made and completed before the 10th of June in each and every year; and the officer or other person through whose fault or negligence the same may fail to be completed shall forfeit such sum, not exceeding fifty dollars, as the Council may determine.

Mayor must report amount of revenue required.

SEC. 54. At a meeting, to be held after such assessments, valuations, schedules, reports and certificates shall have been completed, the Mayor shall be required to lay before the City Council a statement, in writing, setting forth the probable amounts of money required for carrying on the city government during the current year, and specifying the various objects for which the expenditures will be needed; and for this purpose the Mayor may require any assistance which may be necessary from the City Clerk and Treasurer. The City Council shall then proceed upon consideration of the premises to levy and assess such taxes as may be necessary to meet the financial wants of the city.

Council must then determine rate of taxation.

SEC. 55. It shall be the duty of the City Clerk to

make out a correct statement from the schedules of the valuation of the real estate, and from the schedules of personal property, persons and sales of merchandise, and other subjects of taxation within the city, when returned and approved of, the amount of taxes thereon due, according to the rates of taxation which may have been levied or assessed by the City Council, with the names of the persons liable to taxation; and when such statement is concluded it is the duty of the Clerk to lay the same before the City Council, whereupon they shall examine the same and make such correction therein as may be necessary and proper. And thereupon it shall be the duty of the Clerk and Mayor to certify the same, under the seal of the city, as a correct statement and account of the taxes due to said city for the current year, according to the valuations and assessments, approved of by the City Council, which statements, when so made and certified, shall have the force and effect of a judgment against the persons and property specified and named in the assessments and statements aforesaid, for the amount of taxes shown therein, to be due in each case respectively.

Clerk must then make complete statement of the amount of taxes due and from whom.

Council will correct the statement.

Certificate.

Statement has effect of judgment.

SEC. 56. One half of the amount of the taxes due annually from each tax payer shall be payable on or before the twentieth day of June, and one half on or before the twentieth day of December of each year and if not paid when due shall bear interest from those dates; and it shall be the duty of the Clerk, for fifteen days preceding those dates, to notify all tax payers, by advertisement in the city newspaper, that he will attend at his office every day, (Sundays excepted,) from the tenth to the twentieth of June, or from the tenth to the twentieth of December, as the case may be, from 9 A. M. till 2 P. M., for the purpose of receiving taxes. Every person who may fail to pay his taxes at the time the same becomes due shall be liable to pay the Clerk for collecting the same, in case the same is under twenty-five dollars, a fee of fifty cents; and if between twenty-five dollars

Taxes due  $\frac{1}{2}$  on 20th June and  $\frac{1}{2}$  on 20th Dec.

Bear interest if unpaid

Fees due to Clerk from delinquent

and one hundred dollars a fee of seventy-five cents ; and if over one hundred dollars one per centum upon the amount thereof. The above fees are to be due to the Clerk for collecting taxes where the same are paid without any further proceedings being had.

Clerk to issue statement in case taxes are not paid in 40 days, which shall have force of executions.

SEC. 57. But in case the same are not paid within forty days after they become due it shall be the duty of the Clerk to make out a statement of the taxes due, according to the certified schedules and statements aforesaid, which statement shall be certified by the Clerk and Mayor of said city as a correct statement of the amount of taxes due in such case or cases, and thereupon said statement shall have the force and effect of an execution, to be returnable in all cases, by the Clerk, within thirty days, except in those where the property levied on is real estate, and the owners are non-residents of the State of Alabama, or unknown, in which cases the same shall be returnable in ninety days, and when returned not satisfied alias statements may be issued and returnable in the same manner when deemed necessary and proper by the Mayor.

Statements may be levied and sales made thereunder as executions levied on personal property.

SEC. 58. All such statements may be levied, and sales and collections made thereunder, on personal property, as levies and sales on personal property are authorized and made under executions from Justices of the Peace, with same advertisement, where personal property sufficient to satisfy the demand can be found ; and where no personal property can be found liable to satisfy the said demand within the city it shall be the duty of said Clerk to return the statement of the same with a certificate of the fact.

In case 1st statement is unsatisfied it re-issues against real estate.

SEC. 59. It shall then be the duty of the Clerk to make out another statement of same kind, and state therein that return having been made that personal property sufficient and liable to satisfy the taxes due in this case cannot be found, this will be levied on real estate, which statement or order shall be signed by the Clerk and Mayor of the city, under the seal of the city, and shall have the force and effect of an

execution, and which may be levied on lands or other property liable to levy and sale under an execution from the Circuit Court of Dallas county, and such property shall be sold for the satisfaction of said demand with the interests and costs due in the case.

SEC. 60. In all such cases notice of such sale shall be given in some newspaper published in the city for four consecutive weeks, specifying the time and place of sale, and giving the name of the owner when known, and specifying the property to be sold. If the owner of the property shall be unknown, or shall reside out of this State, in case the property to be sold shall be real estate, such advertisement shall be made for twelve consecutive weeks prior to such sale.

SEC. 61. It shall be the duty of the officer making such sale to give the purchaser a certificate in writing, to which shall be annexed the certificate of the Mayor and the seal of the city, which certificate shall conform to the requirements of the amended charter of the city of Selma, as found on page 428, Pamphlet Acts, 1859-60.

SEC. 62. The tax year for said city is hereby declared to be from 1st May, 1861, to 1st May, 1862, and from the same dates at each succeeding year, until further changed.

SEC. 63. In all cases where oaths are required to be administered under this article the City Clerk or other officer who may be authorized to act on the premises is hereby authorized to administer the required oaths.

SEC. 64. In all cases of non-payment of taxes, when statements shall be issued to operate as executions, as provided in this article, the Clerk of the city, for issuing and certifying the same, shall be entitled to the same fees, to be paid by the party or out of property liable for such taxes, as are or may by law be allowed to Justices of the Peace for similar services, and the said Clerk shall be entitled for collections made under such certified statement to the same fees as are or may be allowed to Constables for similar services; to

be paid in the same manner; and all persons owing taxes to said city, and all property, shall be chargeable with all the costs which may be incurred by the advertisement and sale of any property for taxes due under this ordinance.

ARTICLE 2.

LICENSES AND LICENSED OCCUPATIONS.

Persons re-  
quired to  
take out  
licenses.

SEC. 65. All retailers of spirituous liquors, or of malt liquors, or of cigars, keepers of restaurants, hotels and taverns, hawkers and pedlers, or transient merchants, pedlers of ice cream, keepers of ten-pin alleys, billiard and pool tables, venders of lottery tickets, owners of drays, wagons, carts, hacks, cabs, carriages and omnibuses, kept for hire, or for any other than private use, porters and day laborers, washerwomen and seamstresses, daguerrian or ambrotype or other similar artists, proprietors of circuses, theatres, lecturers and other exhibitors of shows for pay, shall be required to take out licenses, to be issued by the City Clerk, before engaging in their several occupations, for which they shall pay the amounts set forth in the succeeding section.

SEC. 66. The following licenses shall be collected, viz:

|                                                          |          |
|----------------------------------------------------------|----------|
| For every retailer of Spirituous Liquors per annum ..... | \$500 00 |
| For every retailer of Malt Liquors per annum .....       | 20 00    |
| For every retailer of Cigars per annum .....             | 10 00    |
| For every Restaurant per annum .....                     | 10 00    |
| For every Hotel or Tavern Keeper .....                   | 20 00    |
| For every Hawker, Pedler or Transient Merchant .....     | 25 00    |
| For every Pedler of Ice Cream .....                      | 10 00    |
| For every Billiard or Pool Table .....                   | 25 00    |
| For every Ten-pin Alley .....                            | 25 00    |



|                                                                                                                                                                                                                                                                                                                                                                                                  |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| For every Vender of Lottery Tickets.....                                                                                                                                                                                                                                                                                                                                                         | 25 00 |
| For every Omnibus.....                                                                                                                                                                                                                                                                                                                                                                           | 20 00 |
| For every 1 horse buggy kept for hire.....                                                                                                                                                                                                                                                                                                                                                       | 5 00  |
| For every 1 horse vehicle kept for hire.....                                                                                                                                                                                                                                                                                                                                                     | 10 00 |
| For every 2 horse vehicle kept for hire.....                                                                                                                                                                                                                                                                                                                                                     | 15 00 |
| For every 4 horse vehicle kept for hire.....                                                                                                                                                                                                                                                                                                                                                     | 20 00 |
| For every Porter or Day Laborer.....                                                                                                                                                                                                                                                                                                                                                             | 5 00  |
| For every Washerwoman or Seamstress.....                                                                                                                                                                                                                                                                                                                                                         | 3 00  |
| For every Daguerrian Artist.....                                                                                                                                                                                                                                                                                                                                                                 | 10 00 |
| For every Circus, for each exhibition.....                                                                                                                                                                                                                                                                                                                                                       | 10 00 |
| For every Theatrical Exhibition, Show, Lec-<br>ture, Concert, or any other Show or Exhi-<br>bition for pay.....                                                                                                                                                                                                                                                                                  | 5 00  |
| For every Dray, Wagon, Cart or other vehi-<br>cle used for transporting goods, or other<br>commodities, from one part of the city to<br>another for pay or hire, including all lum-<br>ber and brick wagons, and carts, and drays<br>used by contractors, builders and others in<br>fulfilling contracts, and for other purposes,<br>if drawn by 1 horse, mule or other animal<br>per annum..... | 10 00 |
| If drawn by more than one horse or other<br>animal, per annum.....                                                                                                                                                                                                                                                                                                                               | 15 00 |

SEC. 67. All animal licenses shall expire on the 1st day of October, and the applicant therefor shall only pay in proportion to the time the license shall continue. The City Clerk shall keep a full and complete register of all licenses issued by him; and for every license issued by him the applicant shall pay one dollar.

Licenses  
expire on  
1st October.

SEC. 68. There shall be no license required for exhibitions or entertainments for the sole benefit of religious or charitable objects.

Exception  
to license  
law.

SEC. 69. Any and every person failing to take out a license, as required in Sections 65, 66, 67 and 68, shall, upon conviction, be liable to fine. In case the amount of license required from the offender does not exceed fifteen dollars he shall be fined five dollars for each day he engages in said business without

Penalties  
for not  
taking out  
license.

license, and if the amount of license required exceeds fifteen, but does not exceed fifty dollars the offender shall be fined ten dollars for each day he engages in such business without license. And if the amount of license required exceeds fifty dollars the offender shall be fined twenty-five dollars for each day he engages in such business without license.

Licensed  
vehicles  
numbered

SEC. 70. The owner of every licensed dray, wagon, cart or vehicle of like kind, shall be furnished by the City Clerk with the number of his license, fairly stamped on tin or iron plate, which shall be attached to the most conspicuous part of said vehicle, for which the owner or applicant shall pay the Clerk ~~25~~ cents; and all drays, carts, wagons or like vehicles without such number attached shall be considered "not licensed" and punished accordingly.

Price for  
hauling.

Amount of  
load.

SEC. 71. The price or charge for hauling a load from one part of the city to any other part thereof shall be ~~25~~ cents. A full load for a one horse vehicle shall be five hundred feet of lumber, or one hoghead of sugar, or other commodity of like weight, three barrels of molasses, six sacks of salt, or not exceeding twelve hundred pounds of any article not herein enumerated; and in that proportion for a vehicle with two or more horses or mules. Cotton shall be hauled at the rate of ten cents per bale. If the driver of a licensed dray, wagon, or other like vehicle, refuses to carry a load from one part of the city to another, between sunrise and sunset, without good excuse, or charges more than allowed by this section, the owner thereof upon conviction shall be fined five dollars, and the driver, if a negro, punished with thirty lashes.

Penalty for  
refusing  
load or  
overcharg-  
ing.

Rates allow-  
ed hack-  
men.

SEC. 72. Hackmen shall not be allowed to charge more than the following rates, viz: for carrying a passenger to any place within the city limits twenty-five cents; for a passenger with baggage not exceeding one hundred pounds in weight fifty cents. They shall, however, be allowed to make special contracts for the use of their hacks at a rate not exceeding one dollar per hour. But after the hour of ten P. M.

they may charge double these rates. Any hackmen Penalty for overcharging. violating the provisions of this section shall be fined ~~ten~~ dollars, to be collected of the owner or agent thereof, one-half of which, when collected shall go to the informer. If the driver be a negro he shall be punished with the infliction of thirty-nine lashes, in addition to the fine.

SEC. 73. The owner of every hack, carriage or cab shall be required to have the number thereof painted Hacks must be numbered. in figures, not less than three inches long, on the lamps thereof; and to have hung up at all times when in use, on the inside of his carriage, a copy of this and the preceding section, and failing to do so shall be fined not less than five dollars.

SEC. 74. Every person who sells spirituous liquors, Who considered retailers. in less quantity than one quart, or sells liquor and allows the same to be drunk upon or about his premises, is a retailer of spirituous liquors, and is required to obtain a license as such.

SEC. 75. Licenses to retailers of spirituous liquors Retailers licensed only by order of City Council must only be issued by the City Clerk upon the order of the City Council, and such order must not be given unless the applicant make satisfactory showing of his character and morals. Such license shall not authorize any one to retail liquors at more than one place under one and the same license.

SEC. 76. It shall be unlawful for retailers to suffer Retailers must not suffer gaming on their premises. gambling of any kind to be carried on on their premises, or to suffer negroes or mulattoes to act as clerk, bar tender, tapster or drawer of liquors, or in any other capacity than as porter; and any retailer violating in either respect shall, on conviction, be fined fifty dollars for every offence.

SEC. 77. Any licensed retailer or other person who gives or delivers or sells to any minor, or to any other person for the use of such minor, without the consent Retailers selling liquor to minors punished. of the parent or guardian of such minor, any intoxicating liquors of any kind shall, on conviction, be fined not exceeding fifty dollars.

SEC. 78. No person shall carry on the business of

Auctioneers an auctioneer, or sell for any other person at auction, real or personal property of any kind within the city, without first obtaining the appointment of city auctioneer, from City Council, for which privilege he shall pay on all goods sold by him at auction a tax not exceeding one per cent. on amount of sales, or not exceeding fifty dollars per annum, except cargo sales on foreign imports, those made by executors, administrators and guardians, as such, by order of Court, or under legal process and under any deed, will or mortgage, and any person so doing shall be fined not exceeding fifty dollars for every offence.

Licenses not transferable but are revocable.

SEC. 79. No license of any kind shall be transferable without permission of the City Council, and may be revoked by the Council when the owner is guilty of gross violation of the laws and ordinances regulating the business licensed.

### ● ARTICLE 3. ●

#### MARKET REGULATIONS. ●

Time and terms of renting stalls.

SEC. 80. The market shall be divided into stalls, which shall be numbered, and rented to the highest bidder at twelve o'clock M. on the 1st Monday in October of every year. One-fourth of the rent to be paid in cash at the time of the renting, and the remainder to be due in quarter-yearly payments thereafter, to be secured by notes, with two good sureties. The Council shall reserve the right, in case the rent is not paid promptly, to retake possession of the stall and re-rent the same at such time and in such manner as to them may seem best.

No persons allowed to rent more stalls than are necessary.

SEC. 81. Any person renting more stalls than are necessary for his business and retaining possession thereof, after notified to release the same, shall be liable to a fine not exceeding fifty dollars for every day he so retains possession of the stall or stalls not really needed by him in his business.

SEC. 82. Market hours shall begin half an hour before daylight and end at nine o'clock A. M., from the 1st day of October to 1st day of April; and half an hour before daylight and end at eight o'clock A. M., from 1st of April to 1st of October; but on every Saturday the market may remain open all day. The Marshal shall cause the market bell to be rung at the beginning and end of market hours. Market hours.

SEC. 83. No person shall be allowed to buy or sell any provisions, except coffee, in the market house before market hours begin, and any person so doing shall be fined five dollars for each offence. Buying and selling before hours prohibited.

SEC. 84. Any person who, before or during market hours, buy provisions, for the purpose of speculating on the same, shall, on conviction, be fined ten dollars for each offence. Speculating prohibiting.

SEC. 85. At the close of market hours the lessees of the stalls shall be required to have their stalls, benches, tables, cutting blocks and scales, swept, scraped and thoroughly cleaned, and any lessee violating this section shall be fined on conviction five dollars. Market must be cleaned.

#### ARTICLE 4.

##### WEIGHTS AND MEASURES.

SEC. 86. All weights, measures, or balances, used in the city for weighing or measuring any article of produce or merchandise, or anything else, shall be of the standard adopted by the State of Alabama, and one full and complete set of weights, measures and balances of the standard aforesaid shall be kept in charge of the Clerk of the city at his office. Weights must conform to State standard.

SEC. 87. Any person within the corporate limits of the city who shall sell by any standard of weight, measure, or balance, other than that mentioned in the preceding section, on conviction thereof, shall be fined in the sum of five dollars and costs for each and every offence. Penalty for selling by other standard.

Penalty for  
selling by  
false  
weights, &c.

SEC. 88. Every person fraudulently using any false weights, measures or balances, in selling or buying, on conviction thereof, be fined in the sum of fifty dollars and costs for each and every offence, one-half of said fine, when collected, to go to the informer.

Penalty for  
selling by  
false  
weights, or  
swindling in  
any way.

SEC. 89. If any person or persons shall sell any article or commodity or other thing by a false mark, brand, number or device, or fraudulently sell falsely packed flour, sugar, or in any way cheat, defraud or swindle in selling within the city, such person or persons shall be fined, on conviction, in the sum of fifty dollars.

SEC. 90. It shall be the duty of the Marshal to go round at least once in each and every year and test all weights, measures and balances used by the citizens or other persons, and brand the same with some uniform letter or device; and for each brand he shall receive the sum of ten cents, to be paid by the owner or owners of such weights, measures or balances; *Provided*, however, that all weights, measures, balances, &c., having been once stamped or branded by the Marshal, and upon re-inspection by him, found to be correct, shall not be subject to any charge for the inspection, as in such case, no additional brand shall be required; and for inspecting and regulating scales he shall receive one dollar, to be paid as above.

## CHAPTER IV.

## STREETS AND SIDEWALKS.

- ARTICLE 1. Regulations for keeping up and changing streets and alleys.  
 " 2. Sidewalks.  
 " 3. Obstructions and other offences relating to streets, alleys and sidewalks.

## ARTICLE 1.

## REGULATIONS FOR KEEPING UP AND CHANGING STREETS AND ALLEYS.

SEC. 91. Every white male inhabitant of the city, <sup>Who required to work on streets and how long.</sup> between the ages of eighteen and forty-five years, except those legally exempt, and all male negroes between the ages of fifteen and sixty years, are hereby required to work upon the streets of the city, at such times as they may be required by the Marshal of the city, not exceeding ten days in any one year. But any person hereby required to work upon the streets may obtain exemption therefrom, by paying the sum <sup>Exemption by payment of \$4.</sup> of four dollars per annum into the City Treasury.

SEC. 92. Every person failing or refusing to obey <sup>Penalty for refusing to pay.</sup> the requisition of the Marshal, to work upon the streets, and every owner or agent of a negro so failing or refusing, shall, upon conviction, be fined not less than five dollars for every such failure or refusal, and in case said fine is not paid, the delinquent may be imprisoned not exceeding thirty days.

SEC. 93. All streets and alleys, and extensions of <sup>All streets now open declared public streets and subject to city authority.</sup> streets and alleys, now opened and laid out in the city of Selma, however or by whomsoever made, are hereby declared to be public streets, subject to be regulated and controlled by and disposed of only by the city authorities. And all streets and public alleys shall be opened and kept open according to the width laid down in the plan of the city of Selma.

SEC. 94. No person shall be allowed to open, extend

No person allowed to open or change streets without permission of Council.

or grade any of the streets in the city of Selma, without the consent of the City Council, and all changes, extensions and alterations shall be done under their direction and supervision. Any person violating this section shall upon conviction before the Mayor or any member of the City Council, be fined in a sum not exceeding fifty dollars.

Penalty.

City Council deeming it expedient to open streets must give notice.

SEC. 95. Whenever the City Council shall deem it expedient or necessary for the interest of the city of Selma to make, alter or extend any street or alley within said city they shall, before making the necessary order for such opening, altering or extending, give ten days' notice thereof, by advertisement in one of the newspapers of the city, specifying the name of the street and where located, and the nature of the proposed change, and requiring any person or persons opposed thereto to appear before the City Council at a time named, after the expiration of the ten days, and make known their objections.

Jury empannelled to assess damages.

SEC. 96. If, after hearing such objections, the Council shall think proper to make such order for the opening, altering or extending such street, then it shall be the duty of the Marshal, under the order of the Mayor, to summon a jury of seven disinterested freeholders, residents in the city of Selma, to appear at a certain time and place, for the purpose of assessing the damages which may be done to the property of any person or persons by the opening, altering or extension of such street or alley.

Jury sworn.

SEC. 97. When so assembled it shall be the duty of the Mayor, and in his absence or disqualification, of any member of the City Council, to impound said jury and swear them impartially to assess the damages which the property of any person or persons may suffer by opening, altering or extending the street or alley shown them, taking into consideration the advantage or disadvantage which may accrue thereto.

Jury proceed to assess damages and write and

SEC. 98. The jury shall then proceed to their examination and assessment of damages, according to their oaths. Said assessment so made shall be reduced to



writing and signed by said jury and returned to the Clerk within three days, and by him entered in full on the records of the city. subscribe their verdict

SEC. 99. Any person who may be summoned as a juror, in accordance with Section 96, and who fails or refuses to attend at the time and place designated, shall on conviction be fined five dollars. Defaulting jurors punished.

SEC. 100. Suitable sign boards shall be placed on or at the corners of the public streets and alleys of Selma, with the name of said street or alley plainly printed thereon; and the City Marshal is required and empowered to procure said sign boards and put them up. Marshal required to put sign boards on streets.

SEC. 101. If any white person or persons shall break, tear off, injure or deface any such sign boards he shall be fined, on conviction, ten dollars; and if a slave or free colored person so offend he shall be punished with thirty-nine lashes. Penalty for injuring sign boards.

## ARTICLE 2.

### SIDEWALKS.

SEC. 102. Every owner, agent or claimant of a lot shall make and keep in good repair a sidewalk on the whole length of the front of such lot, of the following width, viz: on streets not over forty feet wide a sidewalk six feet wide; on streets forty feet and not over sixty feet wide, a sidewalk eight feet wide; on streets sixty feet and not over one hundred feet wide a sidewalk ten feet wide; on streets over one hundred feet wide a sidewalk twelve feet wide. Property owners required to make sidewalks, and the width thereof.

SEC. 103. On Broad street, between Water and Selma streets, and on Water street, between Church and Green streets, the material used must be good, whole brick, or stone, with bank heads of heart pine, cedar or stone, made of such size and thickness as the Marshal or Street Committee may prescribe. In parts of Broad and Water streets sidewalks must be of brick.

In other parts of the city may be sand, &c.

SEC. 104. Outside of the above mentioned limits, and upon every square on which there shall reside more than one tenant, the sidewalk may be made, when and where directed by the Marshal or Street Committee, of sand or any material capable of being made smooth and hard. It shall be made sloping towards the street in such way that the water may not remain on it, and the bank head shall be of such material as is directed by the Marshal or Street Committee; and there shall be in all cases a proper gutter across the sidewalk, made of plank or some other suitable material, to lead the water from the yard or lots into the streets.

Marshal shall build sidewalks where owners refuse to do so, and owners must pay cost thereof under penalty.

SEC. 105. When any person shall fail to conform to the requirements of the two preceding Sections it shall be lawful for the Marshal, under the direction of the Street Committee, to proceed to have made or repaired (as the case may be) the sidewalks, bank heads, gutters, &c., required to be made. The cost thereof must be charged against and collected from the owner, agent or claimant thereof; and any one properly chargeable therewith and failing or refusing to pay the cost thereof, when duly demanded, shall, on conviction, be fined not exceeding fifty dollars, and imprisoned not exceeding thirty days, one or both, at the discretion of the officer trying the same.

Sidewalks must conform to a given grade under penalty.

SEC. 106. All the brick or stone sidewalks upon every square must conform in grade, and it shall be the Marshal's duty to furnish builders with the proper grade, and builders refusing to conform to the grade furnished them shall be fined fifty dollars.

### ARTICLE 3.

#### OBSTRUCTIONS AND OTHER OFFENCES RELATIVE TO STREETS, ALLEYS AND SIDEWALKS.

Sidewalks must not be obstructed.

SEC. 107. No person shall obstruct, embarrass or encumber any sidewalk with cotton, lumber, fire-

wood, merchandise, vehicles of any kind, or any article whatever, nor drive any horse, cart, dray, wheelbarrow or carriage over the sidewalk, (except to cross it to enter the lot); nor sell or offer for sale at public auction or outcry in the streets or on sidewalks any slaves, or horses, or cattle, or live stock, except at such places as the Mayor may designate, nor expose for public or private sale in the streets or on the sidewalks any slaves, goods, wares or merchandise, except vegetables and other country produce, which may be sold upon the street, nor permit any walls, houses or other buildings that are in a broken or decaying condition liable to fall or endanger the lives of persons passing by to remain or otherwise obstruct the sidewalk.

SEC. 108. Any person violating the provisions of the preceding section shall be fined not less than five dollars, and it shall be lawful for the Marshal to remove the obstruction at the expense of the owner thereof, and any one liable for and refusing to pay such expense shall be fined not exceeding fifty dollars, and imprisoned not exceeding thirty days, one or both, at the discretion of the officer before whom the offender may be tried.

SEC. 109. Within the fire limits no verandah, balcony, gallery, awning or other projection attached to any building shall be erected at a less height than twelve and a half feet from the sidewalk, nor extend beyond the width of the sidewalk. Nor shall any sign or signboard be allowed to project over or across the sidewalk; and all projections now existing in violation of this law are hereby declared nuisances, and if not removed within ten days after notice given by the Marshal must be removed by the Marshal at the expense of the owner. The posts or columns to support the verandahs or balconies must be composed of iron and placed on a line within four inches of the outer line of the curb of the sidewalk. No other projections must be so constructed as to be supported by any posts or pillars erected in the street or on the

Penalty for obstructing sidewalks.

Galleries, Verandahs, &c., must be 12½ ft high.

Sign must not project. Projections declared nuisances and must be removed.

Posts and pillars.

sidewalk. Nor shall any other posts or pillars be erected in the streets or sidewalks (except temporarily while building,) but those used to support the telegraph wires, and for gas lights, and posts placed on the outer edge of the sidewalks to be used for hitching horses, which shall not be less than four feet high. On Water and Broad streets, as far as brick pavements are required to be built, said posts must be constructed of iron; and all posts now standing not composed of iron, where iron is required, are declared a nuisance, and the Marshal is required to have them removed.

Cellar doors above level of sidewalk prohibited under penalty.

SEC. 110. Every person who shall build a cellar door above the level of the sidewalk shall, on conviction, be fined five dollars, and one dollar for every day that the same shall remain above the sidewalk after notice is given to lower the same. And every cellar door now above the sidewalk shall be declared and abated as a nuisance.

Steps on sidewalk prohibited under penalty.

SEC. 111. Every person who shall erect steps on the sidewalk, without the consent of the City Council, shall be fined five dollars, and shall be liable to a fine of five dollars a day as long as the same may remain.

Persons injuring sidewalks or gutters must repair within twenty-four hours.

SEC. 112. Any person who shall in any way injure any sidewalk or gutter shall cause the same to be repaired within twenty-four hours thereafter, and failing so to do may, on conviction, be fined five dollars for every day the same remains unrepaired.

Stopping vehicle across street crossing prohibited.

SEC. 113. The driver of any vehicle who stops the same in the street across and obstructing any street crossing, and leaving it there, or refusing to move on out of the way when requested by an officer or citizen, must, on conviction, be fined five dollars.

Horses, &c., attached to vehicles, must not stand alone unhitched in the street

SEC. 114. Any person leaving standing alone in the street any horse, mule, steers or other animal attached to any vehicle, shall, on conviction, be fined not more than ten dollars; *Provided*, that drivers of drays may leave their horses or mules alone if securely hitched to the wheels.

Exception.

SEC. 115. It shall not be lawful for any person to

erect any building or fence in Selma so as to encroach upon any of the streets or alleys, and any person so doing, on being required by the City Marshal to remove the same, and refusing or neglecting to do so for twenty days, shall be fined in any sum not exceeding ten dollars for each day such obstruction remains.

Buildings, fences, &c., must not encroach on street.

SEC. 116. It shall be unlawful for any person at any time, except as provided in the following section, to sweep or throw upon the sidewalks or streets or alleys of the city, any ashes, dirt, shavings, sweepings or trash of any kind, and any person so offending may, on conviction, be fined not exceeding ten dollars for each offence.

Ashes, dirt, trash, &c., must not be swept upon the sidewalk or street.

SEC. 117. It may be lawful for any persons, on Tuesdays and Fridays of every week, by or before the hour of nine A. M., to place in a box or barrel on the edge of the street before their doors, any trash and sweepings mentioned in the preceding section, which they may wish to have removed, and it shall be the Marshal's duty to have the same removed by the corporation cart.

Trash, &c., removed on Tuesdays and Fridays

SEC. 118. It shall not be lawful for any person to haul any soil or dirt and deposite the same on any of the streets of Selma, without first consulting the Marshal, and obtaining his assent thereto: and all dirt or soil raised and thrown upon the streets, from the digging of cellars or otherwise, shall be removed by the owner or owners of said cellar or cellars, and deposited at such place or places as the City Marshal shall designate. Any person violating the provisions of this section, shall, on conviction, be fined not exceeding twenty dollars for each offence.

Hauling of dirt, &c., on the street prohibited.

Penalty.

SEC. 119. Every person who shall obstruct the gutters or sewers of the city with dirt, trash, wood, lumber, brick or other material, shall be fined five dollars, and also be required to remove the obstruction, and failing to do so he shall be fined five dollars for every day the obstruction remains.

Obstructing gutters prohibited.

SEC. 120. Persons building may be allowed to occupy one third of the street before the building being

Persons building may occupy

one-third of  
street.

erected, during a reasonable time for the erection thereof.

Fast riding  
or driving  
prohibited.

SEC. 121. It shall be unlawful for any person to ride or drive through the streets of Selma at an immoderate gait, and any white person so doing shall be fined not exceeding twenty dollars; and any negro so doing shall be punished with twenty lashes.

Loose ani-  
mals taken  
up and pro-  
ceedings  
thereupon.

SEC. 122. Any horse, mare, or gelding, mule, jack or jenny found loose and running at large, in any of the streets or alleys, shall be taken up by the Marshal and safely lodged in one of the public stables of said city, and there kept, and it shall be the duty of the Marshal to post up a notice at the post office door, describing the animals taken up, and requesting owners to come forward, prove property, pay charges and take them away, or they will be declared estrays, and proceeded with accordingly.

Hogs taken  
up and im-  
pounded  
and pro-  
ceedings  
thereupon.

SEC. 123. It shall be the duty of the Marshal to take up or cause to be taken up and impounded, all hogs found running at large in any of the streets, alleys, or out lots or vacant lots of Selma, from the first of November till the first of June in each year, and it shall be the duty of the Marshal to request owners of hogs in the vicinity of Selma, to furnish him with their respective marks, and on finding any of their hogs impounded, to notify the owner and to deliver them over to him on application, he paying for their feed only.

Idem.

SEC. 124. After five days public notice by the Marshal, all hogs impounded and not redeemed by the owner, (at twenty-five cents for taking up, and ten cents per day for feeding them,) shall be sold at public sale for cash, to the highest bidder, and after paying all expenses, the balance of the money, if any, shall be paid into the City Treasury, subject to the order of the owner, if known.

Owners of  
dogs must  
furnish a list  
thereof, and  
pay tax  
thereon.

SEC. 125. For the privilege of keeping dogs in the city, it shall be the duty of each person owning dogs to render to the Clerk a list of the same, have them registered and numbered, and pay twenty-five cents

per annum for each dog, and further to procure a collar marked and numbered; to be worn by each dog.

SEC. 126. It shall be the duty of the Marshal and police to kill or have killed every dog found running at large in the city, without a collar marked and numbered, and not registered or paid for, and they shall be carried out of the city, and for every dog so killed and carried out of the city, he shall receive twenty five cents, to be paid out of the City Treasury.

Marshal and police must kill stray dogs.

SEC. 127. No goat shall be allowed to run at large in the city, or any part thereof; and the Marshal shall impound, and sell any goat so impounded in the same manner as is prescribed in section 123 of this Code, unless the expenses and fees are paid.

Goats not allowed to run at large.

SEC. 128. All cattle (milk cows excepted) found running at large in the city, shall be taken up by the Marshal, impounded and disposed of in the same manner that hogs are required to be disposed of. For every head of cattle so taken up and impounded, the owner shall pay fifty cents, and twenty five cents per day for feeding.

Cattle running at large impounded and sold.

SEC. 129. When any article is found obstructing or encumbering the sidewalks or streets of the city, and the owner is unknown, the City Marshal, or any of the police officers, under the direction of the Mayor or Councilmen, shall cause such obstruction to be taken to some place of safety, to be held five days. At the expiration of that time, it shall be sold by the Marshal to the highest bidder, after giving three days notice in the official newspaper, of the time and place of sale; and the proceeds thereof shall be paid into the City Treasury, after deducting the expense and costs, and if the proceeds are not called for by the owner within sixty days, they shall be forfeited to the city.

Manner of disposing of articles found obstructing sidewalks, streets, &c.

## CHAPTER V.

## POLICE AND SANITARY REGULATIONS.

- ARTICLE 1. Police, Patrol and City Prison.
- “ 2. Slaves and Free Negroes.
- “ 3. Hospital, Board of Health and Infection.
- “ 4. Mortuary Reports, Sexton and Cemetery.
- “ 5. Steamboats, River and River Bank.

## ARTICLE 1.

## POLICE, PATROL AND CITY PRISON.

Police of  
the city.

SEC. 130. The police force of the city shall consist of the City Marshal, Deputy Marshal, and as many Policemen as the City Council may deem necessary to appoint, all of whom, before entering upon the duties of their offices, shall take an oath faithfully to discharge the duties of their offices.

Duties of  
the police  
to arrest all  
violators of  
city laws.

SEC. 131. It shall be the duty of the police to keep vigilant watch, and immediately arrest and confine in the city prison all violators of city laws, and all riotous, disorderly and suspicious persons, and perform such other duties as may be required by city laws

Penalty for  
resisting an  
officer.

and ordinances; and any and all persons who may interfere with or resist an officer in the discharge of his duties, shall be liable to a fine not exceeding fifty dollars, and imprisonment not exceeding thirty days, one or both at the discretion of the officer trying the offender.

Who liable  
to patrol  
duty.

SEC. 132. All white male citizens over eighteen and under forty-five years of age, residing within the corporate limits, and not exempt by law, shall be liable to patrol duty.

Patrol com-  
panies and  
their duties.

SEC. 133. The patrol companies shall each consist of a leader, who must be a householder, and five assistants, who, on due notice from the Marshal in writing, shall perform patrol duty for one night, and the leader shall report to the Marshal, and he to the



Mayor, by eight o'clock, A. M., next day, endorsing on his notice all failures or neglect of duty, also stating how many persons arrested and for what offences, and how many imprisoned, with any other matters or things necessary and proper to report.

SEC. 134. Any person failing or refusing to perform patrol duty, without good and sufficient reason, shall be fined, if a leader, five dollars, and if an assistant, two dollars and fifty cents, for every failure to perform said duty.

Patrol fined for failures in duty.

SEC. 135. Every leader of a patrol company shall, when notified by the Marshal, as directed in Section 133 of this Code, notify each member of his company of the time and place of meeting.

Leader to notify his company.

SEC. 136. The patrol shall, after 8½ o'clock, P. M., cause every slave and every free colored person, without a pass, and every suspicious, noisy or disorderly person, to be confined in the city prison, there to remain till discharged by the proper authority.

Must arrest negroes after 8½ P. M. and disorderly and suspicious persons.

SEC. 137. If any person or persons shall at any time encourage, aid or abet any person or persons arrested and in charge of the police or patrol, or confined in the city prison, in making his escape therefrom, he shall, on conviction, be fined, if a white person, in any amount not exceeding fifty dollars and costs, and if a slave or free colored person, be punished with not exceeding one hundred lashes.

Punishment of those assisting in an escape.

SEC. 138. The custody of the city prison, and the safe keeping of the prisoners committed therein, shall be, and the same is hereby charged upon and made a part of the duty of the City Marshal, and he shall be entitled to such fees for arresting, safe keeping, and discharging each prisoner, as are allowed by the laws and ordinances of the city, which shall be paid by any free person confined therein, or in case of a slave, by his master, or agent, or manager, before he or she is discharged from custody. And no person shall be discharged from the city prison, except by the order of the Mayor, or some member of the City Council, except in cases otherwise provided for.

City prison must be in custody of the Marshal

Master liable for prison fees for slaves.

Marshal to keep prison clean and his fees for feeding prisoners.

SEC. 139. It shall be the duty of the Marshal to see that the city prison is kept clean and in good order and repair; and for every prisoner committed by the Mayor or any member of the City Council, he shall receive twenty-five cents per day for board, to be paid from the City Treasury, in case the same cannot be made from the prisoner.

## ARTICLE 2.

### SLAVES AND FREE PERSONS OF COLOR.

Slavestaken up after 8½ p. m. and confined.

SEC. 140. All slaves who may be found on the streets or away from their homes without a written permit from their owners, overseers or agents, after 8½ o'clock p. m., shall be arrested by the police or patrol, and confined in the city prison until legally discharged.

Trial and punishment

SEC. 141. All slaves arrested and imprisoned as required in the preceding section, must, upon the morning after the arrest, be arraigned before the City Court, and unless satisfactory excuse be given, the Court may order the infliction of any number of stripes not exceeding one hundred.

If not called for treated as a runaway.

SEC. 142. Every slave so arrested or imprisoned, who is not called for by the master, overseer or agent within forty-eight hours after the arrest, shall be treated as a runaway, and sent to the county jail. But it shall be the duty of the Marshal to advertise any such slaves by written notice placed on the post office door on the morning after the arrest. Free negroes failing to pay to the Marshal his fees before 9 o'clock on the morning after the arrest, may be punished by the infliction of thirty-nine lashes.

Negroes insulting white persons punished.

SEC. 143. Every negro convicted of using insulting, abusive or obscene language to a white person, or otherwise insulting a white person, must be punished by the infliction of thirty-nine lashes.

SEC. 144. Any negro convicted of playing at any game with cards or dice, or with any device or substitute therefor, must be punished by the infliction of thirty-nine lashes. And every negro present where such gaming is going on, must be punished with twenty lashes.

Negroes punished for gaming.

SEC. 145. Every white person present where negroes are engaged in playing with cards, dice, or any device or substitute therefor, must on conviction be fined not less than ten dollars.

White persons present punished.

SEC. 146. Any negro found upon the streets of the city smoking a cigar or pipe, or carrying a walking stick or cane, (unless necessary on account of disease or old age) must on conviction be punished with thirty-nine lashes.

Negroes smoking on streets or carrying walking stick punished.

SEC. 147. Any number of slaves more than five congregated together, if found off the premises of their owners or managers, with or without permits, and not engaged in some lawful work, or under the management or direction of their owners, or by permission of the Mayor in writing, or attending church, where there are the lawful number of white persons, shall constitute an unlawful assembly, and every slave present shall on conviction be punished with any number of lashes not exceeding one hundred.

What is unlawful assemblage.

Punishment

SEC. 148. Any white person, or free colored person found at any unlawful assembly of slaves, shall on conviction be fined not exceeding fifty dollars.

White persons or free negroes punished for attending unlawful assembly.

SEC. 149. Any white person found loitering around, or found in or about yards or negro houses, where negroes are in the habit of resorting, without a lawful excuse, must on conviction be fined not exceeding fifty dollars.

White person punished for loitering around negro houses.

SEC. 150. Every negro who shall trespass upon or loiter near or about any private residence, without a good excuse, shall on conviction, receive not more than thirty-nine lashes.

Negroes trespassing about private residences punished.

SEC. 151. It shall not be lawful for any person or persons to trade in any way with any slave or slaves

Trading with slaves prohibited.

within the corporate limits, without a written permission from the owner or overseer of said slave or slaves, specifying the article and quantity to be bought or sold; and every person so doing shall on conviction be fined not exceeding fifty dollars; and every slave so trading or offering to trade without such permission shall on conviction be punished by the infliction of not less than thirty-nine lashes. Provided, that it shall be lawful for slaves to sell milk, poultry, vegetables and other table supplies under a general permission in writing from the owner or his or her agent.

Exception.

Selling liquor to negroes prohibited.

SEC. 152. It shall not be lawful for any person in this city, to sell or give to any slave or free persons of color, spirituous liquors of any kind whatever without a written permit from the owner, overseer or guardian of said slave or free person of color, setting forth the quantity to be sold; and any person so offending shall on conviction be fined in any amount not exceeding fifty dollars, and imprisoned not exceeding thirty days, one or both at the discretion of the officer trying the offence. And any slave or free person so offending shall on conviction be punished with not exceeding one hundred lashes. Any slave or free negro in whose possession any spirituous liquors may be found without a lawful excuse therefor, shall be punished by the infliction of not exceeding thirty-nine lashes.

What evidence is presumptive of guilt.

SEC. 153. Upon a trial had under either of the two preceding sections, evidence that a slave was seen in the night time, or on Sunday, going into a place where spirituous or vinous liquors or merchandise are sold, with an article of traffic, and coming out without the same, or that such slave was seen at such time, or on such day, immediately after coming out of such place in possession of spirituous or vinous liquor or merchandise of any kind, is presumptive evidence of the guilt of the defendant.

Slaves hiring their time or liv-

SEC. 154. It shall not be lawful for any slave or slaves to hire his, her or their own time, or to live

separate and apart from their owners. The owner of any slave violating in either way shall be fined in any sum not exceeding twenty dollars for every day he may live in violation of this law; and the slave violating shall be punished with not exceeding thirty-nine lashes for every day he may live in violation of this law.

SEC. 155. The Clerk shall on application of any respectable person, grant to any slave of good character and steady habits, a license to work in the city as porter or day laborer, or as washerwoman or seamstress, for the space of twelve months, for which licenses payment shall be made as required by the license law of the city; and such licensed slave shall be furnished with a badge with a number stamped thereon, for which he or she shall pay the City Clerk twenty-five cents. Provided, that the Clerk shall not issue a license for any slave, unless the master is a resident citizen of Selma.

SEC. 156. It shall not be lawful for any keeper of a livery stable, or any other person, to hire to any negro, without a written order from his or her master or agent, a horse, hack, buggy, or other like vehicle; and any one convicted of so doing shall be fined ten dollars.

SEC. 157. The owner of any licensed hack, cab or carriage, whose driver allows a negro to ride in his vehicle, without a permit from the master or agent of said negro, must on conviction be fined five dollars, and the driver, if a negro, shall be punished with thirty-nine lashes.

SEC. 158. Every negro who shall be found riding in any hack, cab or carriage, or other like vehicle, without permission from his or her owner or agent, shall on conviction be punished with thirty-nine lashes.

SEC. 159. Every free negro resident within the corporate limits of the city, shall on or before the first day of January in every year, report himself or herself to the City Clerk at his office, who shall register

ing separate and apart from their owners prohibited.

Slave may be licensed as porter, day laborer, washerwoman or seamstress.

Proviso.

Livery stable keepers must not hire horses, hacks, &c. to negroes.

Owners of licensed hacks, &c. must not allow negroes to ride therein.

Negro punished for riding in hacks, &c.

Free negroes must report themselves to Clerk and be registered.

the name, height, sex and description, the place where born, the time he or she may have resided in the city, and the precise location of his or her residence, in a book to be kept for that purpose, all of which particulars the said negro shall fully and truly state to the Clerk.

Free negroes required to give bond.

SEC. 160. At the time of reporting himself or herself, he or she shall give bond with good security to keep the peace, and to be of good behavior for twelve months, and to save the city from any expense for his or her support; and for any violation of this or the preceding section, he or she may be fined in the sum of fifty dollars, and if he or she fail to give bond as before required, he or she shall be committed to the city prison not exceeding four months, or leave the city.

Free negroes prohibited from going at large after 8½ P. M.

SEC. 161. No free negro shall go at large or be absent from his or her residence, after the hour of 8½ P. M., unless he or she shall have a special pass from the Mayor or a member of the City Council, which shall not extend to after 12 o'clock at night, and any free negro found violating the provisions of this section, shall on conviction be fined five dollars, and in case the fine is not paid, he or she shall be punished by the infliction of thirty-nine lashes.

Free negroes from another State or another part of this State forbidden to remain in the city.

SEC. 162. Every free negro who shall come from another State, or another part of this State, and remain in the city longer than twenty days, shall on conviction be fined twenty dollars, and five dollars for every day he remains after being notified to leave.

Free negro residing out of the city prohibited from working in the city without a license.

SEC. 163. Every free negro residing out of the city, who shall work within its limits without a license, for which the sum of twenty dollars shall be paid, shall be fined five dollars for each offence.

Negro offenders punished with whipping in addition to or in lieu of fine, &c.

SEC. 164. Whenever any slave or free person of color shall be convicted of any offence, it shall be lawful for the officer trying the same, at his discretion to prescribe the punishment of such slave by the infliction of any number of lashes not exceeding one hundred, in lieu of, or in addition to the punishment

inflicted upon a white person for the same offence.

SEC. 165. Free negroes who may fail or refuse to pay fines or costs imposed upon them, may on conviction be punished with whipping, (not exceeding thirty-nine lashes,) or required to work out their fines and costs upon the streets, at the discretion of the officer trying the delinquent.

Free negroes failing to pay fine may be whipped.

SEC. 166. For whipping a negro the Marshal shall be entitled to collect from the owner or agent of the negro one dollar.

Marshal's fees for whipping a negro.

### ARTICLE 3.

#### HOSPITAL AND CITY PHYSICIAN AND BOARD OF HEALTH, AND REGULATIONS FOR PREVENTION OF INFECTION AND DISEASE.

SEC. 167. The building and premises now in use, and such other as may hereafter be provided, and set apart as a hospital, shall be under the control and management of a Committee, consisting of the Mayor and two members of the City Council.

Hospital Committee have charge of hospital.

SEC. 168. This Committee shall have a general superintendence of the Hospital, and shall prescribe such rules for its Government as they may deem proper, with the consent of the Mayor and Councilmen.

idem.

SEC. 169. They shall make regular visits to the Hospital, at least once in each week, when there are patients therein. They shall make monthly reports of its condition, receipts and expenditures, to the Mayor and Council. They shall have the exclusive privilege of admitting patients into the Hospital. They shall approve all contracts made with persons employed therein, as nurses, cooks, laborers, and provide all articles of food, raiment, medicine and fuel, necessary for the use and maintenance of the Hospital.

Committee's duties and powers.

SEC. 170. Whenever the Committee shall apply for money to be expended for the use of the Hospital,

Must report object for which ap-

appropriation  
is desired.

they shall distinctly set forth the object for which such money is asked, except salaries to those officers elected by the Council.

Hospital  
physician  
and sur-  
geon.

SEC. 171. On the regular meeting in June, 1861, and annually thereafter, there may be elected by the City Council a Physician and Surgeon of the Hospital, who shall give bond in the sum of one thousand dollars, and receive such salary as the Council may decide at the time of the election.

His duties  
and powers.

SEC. 172. It shall be his duty to visit said Hospital twice in each day, when necessary, and administer to the sick therein; to see that the stewards and nurses faithfully perform their respective duties, and promptly to report any derelictions therein to the Hospital Committee, to be laid before the Council, who may take such action as they may deem necessary.

Item.

SEC. 173. He shall report quarterly to the Mayor and Council, the number, situation and condition of the patients in the Hospital, together with such information as he may deem necessary or important. When a case or cases of small pox shall be presented for treatment, he shall attend such patients, at the pest houses provided by the city for the treatment of such disease; for which service he shall receive such remuneration as may be deemed proper by the city authorities.

Hospital  
steward.

SEC. 174. At the same time that the Physician is elected, there may be elected by the Mayor and Council a Steward, who may board and lodge in the Hospital. He shall also have the privilege to board his wife and minor children in the Hospital.

His duties.

SEC. 175. It shall be his duty to superintend the duties of the nurses, cooks, servants and laborers; to see that the directions of the Physician and Surgeon are faithfully and properly executed, and to attend to such other duties as the Physician may require of him. He shall enter into a bound book, to be kept by him for the purpose, the names of the patients admitted into the Hospital, their age, place of birth, occupation, date of admittance their disease, and the



date of their discharge or death; which book shall at all times be subject to the inspection of the Mayor or any member of the Council, and shall remain in the Hospital as a book of record and reference. He shall enter into a book kept for the purpose, an inventory of all articles of furniture, bedding, clothing, utensils, and all other property belonging to, or appertaining to, or purchased for the Hospital, which book shall be examined quarterly, by the Hospital Committee. All articles reported as worn out or useless, must be inspected by the Committee before they are condemned or destroyed. He shall collect all amounts due to the Hospital by paying patients, and pay the same over to the City Clerk, accompanying the payment with a report of the names of such patients, the number of days of treatment, &c.

SEC. 176. He shall enter into a book kept for that purpose, the name of every pauper patient, the date of his entry into the Hospital, the date of his commencement to labor, and he shall nightly credit him with the amount of labor performed, and the proceeds thereof. He shall keep a correct account of all monies, clothing and effects that any patient may have in his possession when admitted into the Hospital, and enter them into a book kept for that purpose, subject to the inspection of the Mayor or any member of the Council; and in case of the death of such patient, the money, effects, &c., shall be disposed of according to law, under the direction of the Hospital Committee. He shall furnish such articles of bedding, clothing, food, medicine, furniture and cooking utensils, on a requisition made by the Mayor or Hospital Committee, as may be needed for the comfort, necessity and well being of the patients that may be sent to the pest house. He shall also secure the services of such nurses and servants as may be necessary, and make such contracts with them as may be approved by the Hospital Committee.

SEC. 177. All pauper applicants for admission into the Hospital, shall present to the Steward a permit,

No patient admitted by steward without written permit from Committee.

signed by the Mayor or any other member of the Hospital Committee. Paying patients shall also present a like permit, stating who will be responsible for fees incurred. These permits shall be regularly filed and remain on record.

Pauper patients required to work out their bill for board.

SEC. 178. When pauper patients are convalescent they shall do and perform such work and labor as may be deemed proper by the Hospital Committee, and for such time as will pay for their treatment; at the rate of one dollar per day. Slaves shall be charged as paying patients.

Board of Health.

SEC. 179. There shall be established a Board of Health for the City of Selma, to be composed of one Physician, one Councilman and one citizen from each ward of the city, and the Mayor of the city, who shall be Chairman of said Board.

City divided into two wards.

SEC. 180. The city shall be divided into two wards, to be known as the east and west wards. The east ward to embrace all that portion of the city east of Broad street, and the west ward all that portion of the city west of Broad Street.

Board appointed by Mayor with consent of Council.

SEC. 181. Said Board shall be appointed by the Mayor of the city, with the concurrence of the Council, upon the first meeting of the Council after their election, and any vacancy which may occur in said Board must be filled by the same power.

Its duties and powers.

SEC. 182. It shall be the duty of the Board of Health to make such rules and regulations as they may deem conducive to the health of the city, to examine into all causes of malignant, infectious and epidemic diseases, and report to the Council the causes thereof, and the proper means for the checking or removal of the same; to examine into all such nuisances as may tend to affect the health of the city, and report the same to the Mayor.

Any two members may report a nuisance and order its abatement.

SEC. 183. Any two members of said Board, in each ward, have the right to examine into the condition of the premises of any person, in such ward, and if they find anything about the same injurious to the

health of the neighborhood, it is their duty to order the removal of the same, in a reasonable time, to be prescribed by them; and if the person so notified fails to abate such nuisance within the time prescribed, they shall be reported to the Mayor, who shall fine them in such an amount as he may think proper, not to exceed fifty dollars, and shall order the abatement of such nuisance at the cost of the party.

SEC. 184. It shall be the duty of said Board to meet Meetings of the Board. once a month or oftener, if necessary, and report to the City Council any matters of importance to the health of the city. And any two members of said Board shall have a right to call a meeting at any time they think necessary.

SEC. 185. It shall be unlawful for any person or persons having the control of any steamboat or flat-boat, or any kind of boat, conductors of railroad cars, drivers of mail coaches, or any other person, to bring or cause to be brought, or assist in carrying into the city, any person or persons having an infectious or contagious disease; and any person violating this law shall, on conviction, be fined fifty dollars, and be required immediately to remove such diseased persons beyond the city limits, at his or their own expense; and in case he or they, after notice, refuse or neglect to do so, he, she or they shall be liable to an additional fine of fifty dollars, when it shall become the duty of the City Marshal to have such diseased or infected persons removed to the City Hospital, or beyond the corporate limits, for which service he shall be entitled to one-half of the last assessed fine, when collected.

Persons bringing infectious or contagious diseases into the city fined, and required to remove the infected person.

SEC. 186. It shall be unlawful for any person to build or keep a privy nearer than fifty feet to the line of any street or public alley in the city, unless said privy has a vault at least six feet in depth, and no privy must be located nearer than four feet from the line of any street or public alley.

Privies must not be built nearer than fifty feet to a street, unless it has a vault and then may be four feet from street or alley.

SEC. 187. The owners of all privies standing in violation of the preceding section shall be notified by

Penalty for violating preceding section.

the Marshal to remove the same, or fix it in the manner required by the preceding section within ten days, and failing so to do, shall be fined ten dollars, and five dollars for every day the same remains in violation of the law.

Filth, &c., must not be emptied into the streets, &c.

Penalty for putting car- rion, &c. on the streets.

Digging of pits or clay holes for- bidden.

Tan yards, slaughter pens and other nuisances pro- hibited.

Penalty.

SEC. 188. Every person who shall place or empty upon the sidewalks, streets or alleys, or into the sewers, ditches or drains of the city any feculant matter, filth, liquid, or other thing emitting a noisome odor, or injurious to health, shall be fined five dollars for each offence; and it shall be the duty of every person having animals to die in their possession to bury or remove the same from the corporation or to a lot to be designated by the Mayor; and all persons failing to do so, shall be fined not less than five dol- lars, and required to remove the same at once under a penalty of ten dollars.

SEC. 189. It shall not be lawful for any person or persons to dig or cause to be dug, any pit or clay hole within the corporate limits of Selma, wherein water may accumulate and become stagnant, thereby creating a nuisance; and any person guilty of a vio- lation of this law, shall be fined five dollars, and shall also be fined five dollars for every day said nuisance remains unabated, after notice to abate the same has been given.

SEC. 190. It shall be unlawful for any person or per- sons to establish or erect within the city any tan yard where leather is tanned or curried, any slaughter house or butcher pen, or carry on any business which may affect the health and comfort of any of the inhabi- tants of the city, or injure property adjoining there- to, or otherwise establish or cause to be established anywhere in the city, a nuisance, or suffer the same to remain on their premises.

SEC. 191. Any person offending against any of the provisions of the preceding section, shall, on convic- tion thereof, be fined in the sum of twenty dollars and costs, and on failure to pay such fine and costs, shall be imprisoned for twenty days in the city prison,

or until such fine and costs be paid, and also be required forthwith to remove the said nuisance, and in case he fail to remove said nuisance, it shall be abated by order of the City Council, by the City Marshal, and the costs of removing the same shall be taxed, either against the person causing the same, or against the property on which the nuisance was situated, and collected in the same manner as the yearly taxes due from such person, or on such real estate are collected: Provided, nevertheless, that a reasonable time shall be allowed for removing any such nuisance, but if after the expiration of a reasonable time, said nuisance be not abated, such person shall be again subject to the same fines and penalties as for first creating or allowing such nuisance.

#### ARTICLE 4.

##### MORTUARY REPORTS, SEXTON AND CEMETERY.

SEC. 192. It shall be the duty of every physician Physician must report deaths. having persons in the city to die under his care, to report the same to the City Clerk on the first of every month, giving the time of the death, name, age, color, place of nativity, occupation and cause of death; and any physician failing to report such deaths shall be fined ten dollars.

SEC. 193. It shall be the duty of the Clerk to file Clerk file said reports and keep a register of all deaths in the city such reports, and to keep a book properly ruled and arranged, in which shall be recorded said reports. And it shall also be his duty to include in said record any and all deaths which may not be reported by the physicians; so that said record book may contain memoranda of all deaths that may occur in the city.

SEC. 194. There shall be appointed annually by the City Sexton's election and duties. City Council, a Sexton, whose duty shall be to take charge of the new cemetery, keep a map of the same, in which all the lots and subdivisions shall be properly designated and numbered, and take care of the

same, and see that the fences, shrubbery, and other improvements are kept in proper repair.

Sextons duties and compensation.

SEC. 195. It shall be the duty of the sexton to dig all graves that may be required to be dug, not less than four feet six inches deep, and he may provide a good hearse, and attend at such time and place as the friends and relations of the deceased may request; for all which services he shall receive, for adults, the sum of seven dollars each, and for children five dollars; for paupers and slaves he shall receive only five dollars for use of hearse and digging grave. And where the sexton only digs the grave and buries the dead, he shall receive five dollars for adults, and three dollars for children.

No person allowed to bury a corpse in cemetery without notice to sexton.

SEC. 196. No person or persons shall be allowed to bury any dead body without giving timely notice to the sexton, and paying him to dig the grave, except negroes, who may bury their own dead, upon paying the sexton one dollar for designating the spot or place where the grave is to be dug. And any person violating the provisions of this section, shall be fined ten dollars, and any additional amount not exceeding fifty dollars, that may be necessary to defray the expense of re-burying a body buried in an improper place or manner.

Penalty.

Sexton must keep a record of burials, &c.

SEC. 197. The Sexton must keep a book in which shall be recorded the name, age, birth place, cause of death of every person buried, and the part of the cemetery in which each body is buried.

No person must be buried in old grave yard except those having relatives buried there now.

SEC. 198. It shall not be lawful for any person not having relatives already buried in the old grave yard, to be buried there, without permission of the Mayor, and any person violating the provisions of this section by assisting in such burial, shall be fined in the sum of twenty dollars.

Negroes must not be buried in old grave-yard.

SEC. 199. It shall not be lawful for any negro to be buried in the old grave yard, and any white person or free colored person who is in any way instrumental in the violation of this law, shall on conviction be fined twenty-five dollars, and any slave guilty of a

like offence shall be subject to a like fine, to be collected of the owner of the slave.

SEC. 200. Any person who wilfully or maliciously injures, defaces, removes or destroys any tomb, monument, grave-stone, or any other memorial of the dead, or any fence or inclosure about any tomb, monument, grave-stone or memorial of the dead, or wilfully destroys, removes, cuts, breaks or injures in any way any tree, shrub, or plant within such inclosure, shall be fined not exceeding fifty dollars, and imprisoned not exceeding thirty days, one or both at the discretion of the officer trying the same.

Any person injuring tombstones inclosures, &c., punished.

## ARTICLE 5.

### STEAMBOATS AND OTHER WATER CRAFT, RIVER AND RIVER BANKS.

SEC. 201. It shall not be lawful for any person or persons wilfully to cast loose from its moorings, or to turn adrift any steamboat, ferry-boat or flat-boat, or any other species of water craft, lying within the jurisdiction of Selma, wantonly, or with intent to injure the owner of such vessel, or any property or person on board of the same. And any person so doing, shall be fined in any sum not exceeding fifty dollars, and imprisoned not exceeding thirty days.

Turning adrift steam boats or other water craft, prohibited.

SEC. 202. The City Marshal shall have power and authority to regulate the stationing, mooring and anchorage of steamboats and other boats and watercraft within the jurisdiction of the City.

City Marshal has power to regulate mooring &c. of boats.

SEC. 203. Any captain or other person in charge of any steamboat or other watercraft, who refuses to comply with an order from the Marshal to remove his vessel, shall be fined ten dollars, and at that rate for every half hour the same may remain after an order is given to remove.

Penalty for refusing to obey Marshal.

SEC. 204. The captain or other person in charge of any steamboat or other watercraft, is required to remove, upon request from the ferryman or City Mar-

of Captain and others must remove boats from obstructing ferry land'g

shal, from any position that obstructs the ferry landing; and on failure or refusal to comply with such order, the owner, captain or other person in charge of such boat or watercraft, shall be fined ten dollars for every half-hour such boat or other craft may remain after having been ordered to remove.

Digging and carrying away river bank or street prohibited.

Sec. 205. It shall be unlawful for any person or persons, upon any pretence whatever, to dig, cut or carry away any portion of the banks of the river or streets, alleys or public thoroughfares of the city, without leave of the Council. And any person so doing shall be fined five dollars for each offence.

Bathing in river, water tanks, or branches prohibited.

Sec. 206. It shall not be lawful for any person to bathe in the river, water tanks or branches or streams of water within the city, between daylight and dark; and any person convicted thereof, shall be fined five dollars.

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## CHAPTER VI.

### FIRES AND REGULATIONS FOR PREVENTION THEREOF.

#### ARTICLE 1. Fire Department.

“ 2. Fire Limits.

“ 3. Duties of officers and citizens at fires.

“ 4. Regulations to prevent fires.

#### ARTICLE 1.

##### FIRE DEPARTMENT.

Organization of Fire Department and its powers to make regulations.

Sec. 207. It shall be lawful for the firemen of the city to organize an Association, to be known as “The Fire Department of the City of Selma,” which shall consist of all fire companies, hose companies, and hook and ladder companies now or hereafter to be organized in this city; and it shall have power to make such by-laws, rules and regulations as do not conflict with the laws of the State of Alabama, nor with existing or future laws and ordinances of the city.



SEC. 208. There shall be established such number of fire companies, hose companies, and hook and ladder companies, as may be deemed expedient by the Council. Each of said companies shall be organized and governed by such rules and by-laws as they may deem best; provided, the same do not conflict with the laws of the State or city; and to impose fines for violation of such rules and by-laws, and collect the same, and to elect such officers from their members as they may deem proper.

Organization of fire companies, and their powers to elect officers, pass by-laws, &c

SEC. 209. The Fire Department shall be under the control of one Chief Engineer, and two assistants, to be known as 1st and 2d Assistant Engineers, who shall be elected from and by the members of the Fire Department on the 1st Monday in May of every year. Said election to be held under the management of an officer or delgate from each company composing the Fire Department.

Engineers and their election.

SEC. 210. In the event of the vacancy of the office of Chief Engineer, the 1st Assistant Engineer shall, within ten days thereafter, order the election of some member of the Department to fill the vacancy during the unexpired term; which election shall be by the qualified voters of the Department at such time and place, within twenty days after the vacancy occurs, as the 1st Assistant may direct.

Vacancy of the office of Chief Engineer—how filled.

SEC. 211. If the offices of either 1st or 2d Assistant Engineer becomes vacant, the vacancy shall be supplied by appointment by the Chief Engineer, of some member of the Department, to fill the vacancy during the unexpired term.

Vacancies in offices of Assistant.

SEC. 212. No person shall be allowed to vote at an election of Chief, or 1st or 2d Assistant Engineers, who has not belonged to the Department thirty days previous to the election.

Qualification of voters.

SEC. 213. The Chief Engineer, or in his absence, the 1st Assistant Engineer, or in their absence, the 2d Assistant Engineer shall, at fires, or an alarm thereof, have entire control over the firemen and over all the engines or other apparatus belonging to companies

Powers of Engineers at fires and penalty for disobeying them.

composing the Fire Department; and any officer or member of the Department refusing to obey any order of the Engineer in command, shall be fined ten dollars.

Engineer required to inspect apparatus.

SEC. 214. The Chief Engineer shall, as often as he may deem necessary, but not less than once a month, inspect the engines, hose, hooks and ladders belonging to companies composing the Department, and if any are found out of order, may either cause the same to be put in order by the owners, or reported to the Mayor and Council as needing repairs, which will be done at the expense of the city.

Chief Engineer's annual report.

SEC. 215. The Chief Engineer must report annually on the 1st day of May, the condition of the Department, with the names of all the officers and members of each company, with a statement of the amount and condition of all the apparatus belonging to each company.

Engineers furnished with cap and trumpet at expense of city.

SEC. 216. Each of the Engineers shall be furnished with a speaking trumpet, and a fire cap, (the latter having the title of the officer printed thereon) for which the city will pay, not exceeding, however, twenty-five dollars for any one year.

Appropriations to companies.

SEC. 217. To all such companies as fully conform to the laws and ordinances of the city, adopted for their government,, there shall be appropriated annually, on the last Saturday in February, out of any money in the city treasury not otherwise appropriated, as follows :

- To each Fire Engine Company,.....\$100 00
  - To each Hose Company,..... 50 00
  - To each Hook and Ladder Company,..... 50 00
- Said sums to be payable quarterly, on the order of the foreman, countersigned by the secretary.

Before receiving appropriation Company must furnish statement.

SEC. 218. Before receiving the annual payment, each company must furnish the Council with a detailed statement of its condition, showing the names of its officers and active members, the amount and condition of its apparatus, and of the manner in which the last appropriation was expended, signed by the foreman and secretary of the company.

SEC. 219. The Engineer in command at a fire, shall be authorized, with the concurrence of the other Engineers present, or of the Mayor or a Councilman, to pull down, or remove, or cause it to be done, any building matter or thing, which may be deemed necessary in the exercise of a sound judgment, to arrest the ravages of the conflagration.

Engineer authorized to tear down buildings, fences, &c.

SEC. 220. Fines imposed by companies on their members, in accordance with the provisions of Section 208, may be collected by suit before the Mayor or any member of the Council.

Fines collected by suit before the Mayor or Council.

SEC. 221. It shall be the duty of the companies to take care of and keep in good order their respective engines, hose, hooks, ladders and other apparatus, and to have them at all times ready for use.

Companies to keep in order their engines and other apparatus.

SEC. 222. Every officer and member of the Fire Department shall be exempt from working on streets and from paying street and poll taxes.

Exemption from street and poll taxes.

SEC. 223. It shall be the duty of the foreman or officer in command of each company, to cause his engine or other apparatus, to be washed and cleaned at least once in each month, by the company, under penalty of ten dollars for each omission, to be retained out of the appropriation made by the city to the delinquent company.

Engines & other apparatus washed and cleaned once a month.

SEC. 224. Upon an alarm of fire, it shall be the duty of the firemen to proceed immediately, with their engine and other apparatus, to the place whence the alarm proceeds, and remain at the fire, acting under the direction of the Engineer in command, until he orders their return home.

Firemen required to promptly attend at fires.

SEC. 225. Any person who may remove, or assist in removing any engine or other apparatus belonging to the Fire Department, from its place of deposit, without the presence and consent of a member of the company to whom the apparatus belongs, shall be fined ten dollars, which, when collected, will be paid to the company whose apparatus is removed.

No person must remove engines, &c., without consent of a member of the Company.

## ARTICLE 2.

## FIRE LIMITS.

No person  
must erect  
wooden  
buildings  
within fire  
limits.

SEC. 226. It shall not be lawful for any person or persons to erect, or rebuild, or make additions to any wooden building or structure in that part of the city extending from the foot of Sylvan street, on the Alabama river, running thence to Water street, thence along Water street to Green street, thence northwardly on Green street to Alabama street, thence westwardly to Franklin street, thence northwardly to Selma street, thence westwardly on Selma street to Washington street, thence northwardly to Dallas street, thence westwardly to Church street, thence southwardly on Church street to the Alabama river, thence up the river to the foot of Sylvan street.

Penalty.

SEC. 227. Persons erecting buildings of stone or brick, or other material, within the limits prescribed in the preceding section, shall be required to put fire-proof roofs thereon, and any person violating this section, or the preceding one, must, on conviction, be fined twenty-five dollars, and five dollars for every day the violation shall continue; and any building or roof in violation of this section, shall be deemed a nuisance, and shall be removed at the expense of the owner or owners thereof.

Wooden  
buildings  
must not be  
moved into  
fire limits.

SEC. 228. No person shall be allowed to remove a wooden building from without the fire limits, to a point within said limits; nor to move a wooden building from one point to another, within the fire limits; and any person who shall violate this section, shall be fined twenty-five dollars, and five dollars for every day the violation continues.

## ARTICLE 3.

## DUTIES OF OFFICERS AND CITIZENS AT FIRES.

SEC. 229. The Mayor, or in his absence, any one of

the Council may direct and control operations, and shall have command of the Marshal and all other able bodied persons, except such as may belong to the Fire Department; and shall take such measures as in his opinion are best calculated to arrest the fire, and station a guard, if necessary, to protect property against the fire, and against thieves and evil disposed persons; and it shall be the duty of the City Council to assist the Mayor, or his representative, in the discharge of said duties.

Mayor shall have control of citizens at fires

SEC. 230. Every able bodied man present at a fire, who shall refuse to enter into line, to carry water, or to do any other thing which might be necessary, and which would not endanger his life, limb or health, upon the order of the Mayor, or any one of the City Council, shall, for each and every such offence, be fined ten dollars and costs.

Every able-bodied man required to assist at fires.

SEC. 231. It shall be the duty of the City Marshal, upon an alarm of fire, to cause one or more Church bells to be rung for fifteen minutes, or until the fire is extinguished.

Marshal required to have church bells rung at fires.

SEC. 232. It shall be the duty of the Marshal and police officers to repair at once to the place where there is a fire, and to obey such orders as may be given by the Mayor or Councilmen.

Marshal and police required to attend promptly at fires.

## ARTICLE 4.

### REGULATIONS TO PREVENT FIRES.

SEC. 233. No person shall be allowed to burn out or cause to be burned out, any chimney or flues between the hours of 5 P. M. and 9 A. M., unless it be raining at the time; and any person violating this law shall be fined not less than five dollars.

Chimneys must not be burned out at night unless during a rain.

SEC. 234. All chimneys, stoves or other places for keeping fire in, on or about the premises of any one that would be likely to take fire and burn, and thereby endanger adjoining property, is hereby declared a

Chimneys, stoves, &c., likely to take fire declared nuisances.

nuisance; and any person owning such place, shall, by order of the City Council, have such chimney, stove or other place for keeping fire in, repaired or done away with, as the Council may decide. And it is hereby made the imperative duty of the Marshal to enter upon the premises, and inspect such places, and make report to the City Council, and any person refusing to comply with the orders of the Council, in a reasonable time, shall be fined on conviction thereof, not less than five dollars for every day the same remains in violation of this law.

Smoking in cotton warehouses prohibited.

SEC. 235. It shall not be lawful for any person to smoke cigars or pipes within the inclosures of, or on the platforms of any of the cotton warehouses in the city; and any person convicted thereof shall be fined not less than one dollar.

Shooting of fire arms & fire works prohibited.

SEC. 236. It shall not be lawful for any person to shoot or discharge any species of fire arms, or set off any sky-rocket, squib, cracker, or any other kind of fire-works within the corporation, and any person violating this law, (without a special permit from the Mayor or City Councilman,) shall be fined five dollars for each offence.

Powder exceeding fifty pounds must be deposited in magazine, and under that amt kept in metallic cans.

SEC. 237. No person shall be allowed to keep on hand, within the city, on any account, more than one keg of gunpower, which must be kept in tin or other metallic cases or canisters. All persons receiving a larger quantity than one keg, shall, within twelve hours thereafter, apply to the Marshal and have the same deposited in the powder magazine; and any person violating any of the provisions of this law, shall, on conviction, be fined fifty dollars.

Marshal to have charge of magazine and his fees for keeping and delivering powder.

SEC. 238. The City Marshal shall have charge of the magazine, and receive and deliver all powder to be stored in or delivered out of the magazine, for which he shall receive on delivery of the powder, for each keg, fifty cents, for each half keg, twenty-five cents, for each quarter keg, twelve and one-half cents, and barrels and half barrels in proportion; and if the Marshal fail to promptly receive and deliver powder, he shall be fined ten dollars for each failure.

## CHAPTER VII.

## MISCELLANEOUS OFFENCES.

SEC. 239. Every person who shall be guilty of an affray in which neither a stick nor other weapon is used by him, shall on conviction be fined not less than five dollars.

Affrays without  
weapon.

SEC. 240. Any person who shall be guilty of an affray in which a stick or other weapon is used by him, shall on conviction be fined not less than ten dollars.

Affrays with  
weapons.

SEC. 241. Any person who shall be guilty of an affray in which he uses firearms or other deadly weapon, shall on conviction be fined not less than twenty five dollars.

Affrays with  
firearms or  
deadly  
weapons.

SEC. 242. Any person who shall commit an assault and battery, shall on conviction be fined not less than five dollars.

Assault and  
battery.

SEC. 243. Any person who shall commit an assault and battery in which a stick or other weapon not likely to cause death shall be used by him, shall on conviction be fined not less than ten dollars.

Assault and  
battery with  
weapons.

SEC. 244. Any person who shall commit an assault or assault and battery with firearms or other deadly weapon, shall on conviction be fined not less than twenty-five dollars.

Assault with  
firearms or  
other deadly  
weapon.

SEC. 245. All persons who may be on trial for a violation of sections 239, 240, ~~241~~, 242 and 243 of this Code, may be allowed to give in evidence any opprobrious language or abusive epithets or other insult used by the party beaten or assaulted, and the same may or may not go in mitigation of damages, or in justification of the offence, as the officer trying the same may in his discretion determine.

Evidence of  
abusive lan-  
guage or  
other insult  
admissible,  
and its ef-  
fect.

SEC. 246. All persons who now have or may hereafter have artesian wells in the corporate limits, are required to have the same drained off so as not

Artesian  
wells must  
have drains.

to accumulate or stand anywhere in the city.

Penalty for  
not draining  
off water.

SEC. 247. Any owner of an artesian well who may fail to have the water drained off, shall be fined five dollars for every day the same is allowed to stand in the city, after being notified to drain it off.

Camping  
and lighting  
fires on  
streets pro-  
hibited.

SEC. 248. It shall be unlawful for any person to camp or light fires on any of the streets, alleys, or public or out lots or grounds of the city, without consent of the Mayor or of the owners of the land; and any person convicted of a violation of this law, shall be fined five dollars for each offence.

Fighting of  
cocks or  
other ani-  
mals pro-  
hibited.

SEC. 249. It shall not be lawful for any person to engage in cock fighting or in making dogs or other animals fight within the city limits, and any white person guilty thereof, must on conviction be fined in any sum not less than ten nor more than fifty dollars, and any and all persons who may wilfully assemble to witness such fight, shall be fined five dollars. Slaves or free colored persons violating this law must be punished by the infliction of thirty-nine lashes.

Defacing or  
injuring  
public build-  
ings, &c.,  
prohibited.

SEC. 250. Any person wilfully defacing any building belonging to the city, or any of its inclosures, by posting bills thereon, cutting the same, or otherwise injuring the same, shall upon conviction be fined not exceeding fifty dollars; and if a negro is the offender he shall receive thirty-nine lashes.

Defacing  
churches  
and other  
buildings  
prohibited.

SEC. 251. Any person wantonly injuring any church, school-house, or other building, or any fencing or inclosures thereof, by writing, cutting or drawing figures, characters, or letters thereon, or in any way wilfully defacing the same, shall upon conviction be fined not exceeding fifty dollars; and if the offender is a negro he shall receive thirty-nine lashes.

Disorderly  
conduct,  
cursing, &c.  
prohibited.

SEC. 252. Any person who shall be found cursing or swearing, or talking in a boisterous and disorderly manner in any public place of the city, or shall be guilty of any other noisy, riotous or disorderly conduct, or willingly engaged in any way in a breach or disturbance of the peace and quiet of the city, must on conviction be fined not exceeding fifty dollars, and



imprisoned not exceeding twenty days, one or both at the discretion of the officer trying the case; and if a slave or free negro, he shall be punished with not exceeding one hundred lashes.

SEC. 253. If any person keeping a public house of any kind, shall permit any person to disturb the peace and quiet of the neighborhood by loud singing, boisterous cries, or noises of any kind whatever disturbing the quiet and good order of the neighborhood, he shall on conviction be fined not less than five dollars.

Keepers of public houses punished for suffering disorderly conduct on their premises.

SEC. 254. Any person who wilfully disturbs or interrupts any assembly of people met for religious or other lawful purpose, by noisy, profane, rude or indecent behavior of any kind, or by any other act at or near the place of assemblage, he shall be fined in any sum not exceeding fifty dollars, and imprisoned not exceeding thirty days, one or both at the discretion of the officer trying the offence.

Disturbing public assemblies prohibited.

SEC. 255. Any person found drunk or lying or staggering about the streets, alleys or sidewalks, must be arrested and imprisoned till sober; and when sober must be arraigned before the City Court, and on conviction be fined not exceeding twenty dollars.

Drunkenness punished.

SEC. 256. Any person who shall play at any game with cards or dice, or with any device or substitute for the same, at any tavern, inn, storehouse or store room, or any public house, or any house or place where the public are permitted to resort for business or pleasure, shall on conviction be fined not less than ten dollars.

Gaming in public place prohibited.

SEC. 257. Any person who keeps or exhibits any gaming table, or table of any kind used for gaming, or is interested in the keeping or exhibition thereof, must on conviction be fined fifty dollars, and imprisoned not exceeding thirty days.

Keeping gaming table prohibited.

SEC. 258. Any person who bets or stakes anything on any gaming table, mentioned in the preceding section, must on conviction be fined twenty dollars.

Betting at gaming table punished

SEC. 259. Any person of full age who bets any money or thing of value with a minor, or engages in

Gambling with minor punished.

any game with a minor, in which any money or thing of value is bet or staked, shall on conviction be fined twenty dollars.

Betting money or other thing of value prohibited.

SEC. 260. Every person who shall play at any game with cards or otherwise, for money or other thing of value, or bets or stakes, money or other thing of value, in any way thereon, shall on conviction be fined ten dollars.

Houses—disorderly or of ill-fame

SEC. 261. Every person who shall keep a disorderly house or house of ill fame within the limits of the city, shall on conviction be fined in the sum of fifty dollars, and shall be liable to pay a fine of twenty dollars for every day he or she shall continue to keep such house after the first conviction.

Definition of houses of ill-fame and who are keepers of the same.

SEC. 262. Any house inhabited by lewd or disorderly women, or persons of bad reputation as to chastity, or frequented by persons for the purpose of prostitution, shall be considered a house of ill-fame, and all adults living in such a house shall be considered the keepers thereof, and subject to the penalties imposed by this Code for such an offence.

Persons renting houses used as houses of ill-fame punished.

SEC. 263. Any person having the control of a dwelling or other building within the city who shall rent it or permit it to be used as a house of ill-fame, shall on conviction be fined fifty dollars, and also an additional fine of twenty dollars shall be imposed for every day such person allows the same to be so used after the first conviction.

Indecency punished.

SEC. 264. Any person who may use any part of the River Bluff between the Ferry and the foot of Church street as a privy, shall be fined five dollars.

Idem.

SEC. 265. Any person who shall intentionally or wantonly indecently expose his or her person on the streets or alleys, or from any window, balcony, or other publicly visible place, shall on conviction be fined not less than ten dollars.

Malicious mischief.

SEC. 266. Any person wantonly or maliciously injuring in any way any public or private property, must on conviction be fined not exceeding fifty dollars, and imprisoned not exceeding sixty days, one or

both at the discretion of the officer trying the case, and if a negro, shall receive one hundred lashes—and one half of the fine when collected shall go to the person injured.)

SEC. 267. Every person who shall bring or cause to be brought to the city, a person having no means of support, and unable or unwilling to work, with the intent to make them, or having reason to believe that they will be, a charge upon the city, or on the charity of the citizens, shall be fined not exceeding twenty dollars, for each day said pauper or vagrant shall remain in the city.

Paupers & vagrants--punishment for bringing them into the city.

SEC. 268. Every pauper vagrant and idle or disorderly person of evil life or ill-fame; every person who has no fixed place of residence and no visible means of support, or whose conduct may be suspicious, and every person who begs or loiters about the streets or other public places, shall be arrested and carried before the Mayor, who shall order him or her to leave the city, and if after the expiration of twenty four hours thereafter, such person shall be found in the city, he or she shall be fined not exceeding twenty dollars.

Paupers, vagrants, and suspicious persons arrested and made to leave city.

SEC. 269. Any person who on Sunday labors himself, or compels his apprentice, servant or slave to perform any labor except the customary household duties of daily necessity, comfort or charity within the corporate limits, must for each offence be fined five dollars.

Sabbath breaking prohibited.

SEC. 270. Any person who engages in shooting, hunting, gaming, racing, or in any other sport, diversion or pastime on Sunday, or any merchant or shop-keeper, confectioner, retailer, or any other person who keeps open store or disposes of any goods, wares or merchandise, either by gift or sale, on Sunday, (except in cases of sickness or for charitable purposes,) for each offence must be fined ten dollars, and any retailer who violates this law shall forfeit his license.

Idem.

SEC. 271. The provisions of the two preceding sections do not apply to steamboats or other vessels nav-

Exceptions.

igating the waters of the Alabama river, or to any manufacturing establishment which requires to be kept in constant operation, or to receivers and forwarders of produce, goods, wares and merchandise. It is also provided that barbers may be allowed to keep open their shops till 10½ A. M. on Sundays.

No person must injure shade trees.

SEC. 272. Any person who injures or destroys any shade trees not belonging to himself shall be fined not less than five dollars.

Hitching horses to trees prohibited.

SEC. 273. Any person who hitches a horse or other animal to a shade tree on the streets shall be fined fifty cents.

Mock orange trees and other poisonous shrubs and boughs must not be thrown into streets, &c.

SEC. 274. It shall not be lawful for any person to expose or place on any sidewalk, street or alley, or in any uninclosed lot of the city, any leaves or boughs of the mock orange tree, or any other poisonous shrubs or bushes, and any person so doing shall be fined not less than five dollars.

Concealed weapons must not be carried.

SEC. 275. Any person who carries concealed about his person a loaded pistol or other kind of firearm, a bowie knife, dagger, or knife of like kind, unless threatened with, or having reason to apprehend an attack, or being upon or about to start upon a journey, shall upon conviction be fined not less than ten dollars, one half of which goes to the informer, when collected.

Punishm't for violating State laws.

SEC. 276. Any person who shall, within the corporate limits, be guilty of any crime or misdemeanor prohibited by the laws of Alabama, and not expressly provided for in this Code, shall upon conviction be fined not exceeding fifty dollars, and imprisoned not exceeding sixty days, one or both at the discretion of the officer before whom the offender may be tried.

Punishm't for violating any city law.

SEC. 277. Any person who shall fail to perform any duty or other thing required by city laws, or shall be guilty of any delinquency prohibited by city laws or ordinances, shall on conviction be fined not exceeding fifty dollars and imprisoned not exceeding sixty days one or both at the discretion of the officer before whom the offender may be tried.

## CHAPTER VIII.

## CITY COURT AND ITS INCIDENTS.

## ARTICLE 1. Arrests.

- “ 2. Trial of Offenders.  
 “ 3. Collection of Fines and Forfeitures

## ARTICLE 1.

## ARRESTS.

SEC. 278. It shall be the duty of the Mayor, Marshal and City Police, to cause the immediate arrest of all persons who may, in their presence, or within their knowledge, be guilty of violation of the laws and ordinances of the city; and for this purpose they may require any of the bystanders to arrest the offender and keep him until relieved by the Marshal, or Police, or lodged in prison.

Mayor, marshal and police must cause arrest of all offenders, and bystanders required to assist.

SEC. 279. Any person refusing to assist in the arrest of an offender, when required as set forth in the preceding section, must, on conviction, be fined not exceeding twenty-five dollars.

Persons refusing to assist in the arrest of an offender, when required as set forth in the preceding section, must, on conviction, be fined not exceeding twenty-five dollars.

SEC. 280. Upon complaint under oath being made to the Mayor, or a Councilman, that a person has violated any of the city laws or ordinances, the officer before whom the complaint is made, must issue to the Marshal a warrant for the arrest of the accused person, ordering him to bring the accused before the Mayor or a Councilman, at a time and place set forth in the warrant.

Warrants issue on complaint being made.

SEC. 281. The Marshal or other officer arresting any person, may take from such person, where the alleged offence is a misdemeanor, a bond, for not less than one hundred nor more than two hundred dollars, with at least two approved sureties, conditioned for his appearance at the appointed time and place for trial, and from time to time thereafter till the case is disposed of, and for the payment of such fines and costs as may be im-

Marshal may take bond or imprison the offender.

posed upon the prisoner, for the alleged offence, and thereupon may release his prisoner. In case such bond is not given, the alleged offender must be imprisoned till the case can be tried.

## ARTICLE 2.

### TRIAL OF OFFENDERS.

Mayor must hold Court every morning.

SEC. 282. It shall be the duty of the Mayor, or in his absence or disqualification, of one of the Councilmen to attend at the Council Chamber every morning, except Sundays, from the 1st of April to the 1st of October, at 8 A. M., and from the 1st of October to the 1st of April at 9½ A. M., at which time he shall receive and hear all complaints and try all offenders against the laws and ordinances of the city. But the Mayor or Councilmen may sit at any time, in order to try offenders.

Clerk and Marshal must attend Court.

SEC. 283. It shall be the duty of the City Clerk to attend at the same time and place, and to make record of the decisions, and perform such other duties as may be required of him. And it shall also be the duty of the Marshal to attend at the same time and place.

Marshal must summon witnesses.

SEC. 284. The Marshal or any other Police Officer, shall summon all witnesses whose attendance is required, at any trial before the Mayor or a Councilman.

Defaulting witnesses punished.

SEC. 285. Any witness, who, without sufficient excuse, shall fail to attend at the time and place, in accordance with his summons, shall be fined ten dollars, and on failure to pay the fine shall be imprisoned not exceeding ten days; and any witness who shall refuse to answer proper questions, shall be fined not exceeding twenty-five dollars, and must be imprisoned not exceeding thirty days, until he is willing to testify.

Punishment of offenders

SEC. 286. Every person tried and convicted of a violation of the city laws or ordinances, must be punished in accordance with the law violated; and when

the law does not prescribe the punishment, the offender must, upon conviction, be fined not exceeding fifty dollars, and imprisoned not exceeding sixty days; one or both at the discretion of the officer trying the case, and must also be taxed with the cost of the prosecution and trial; and if tried on the complaint of another and acquitted, the costs must all be taxed against and collected from the person complaining.

### ARTICLE 3.

#### COLLECTION OF FINES AND FORFEITURES.

SEC. 287. It shall be the duty of the Marshal to collect all fines, forfeitures and costs which may be assessed by the Mayor or a Councilman, or by the City Council; and for this purpose must retain possession of the person against whom the same may be assessed, and imprison him not exceeding sixty days, till the same are paid; and in case such person should escape through the negligence of the Marshal or other officer in charge, the said officer, upon conviction by the Council, must forfeit the amount of such fine or forfeiture and costs.

Marshal to collect fines &c., and retain possession of offender till fine is paid, and punished for an escape.

SEC. 288. Whenever fines, forfeitures or costs are not otherwise collected, the Clerk may issue an execution for the amount of the same, and place the same in the Marshal's hands for collection, and it may be levied on any property of the defendant, real or personal.

Execution for fines.

SEC. 289. In case an execution, issued in accordance with the preceding section, is not satisfied, the Clerk may proceed to issue *alias* and *pluries* executions and if necessary a *capias ab satisfaciendum* may issue against the defendant, and he be imprisoned till discharged in accordance with the laws of the State, in such cases made and provided.

Alias and pluries executions.

SEC. 290. Where personal property is levied on

Sales under  
execution.

Under executions issued in accordance with the two preceding sections, the time and place of sale shall be advertised ten days in some newspaper, published in Selma, and where real estate is levied on, the same must be advertised for thirty days; and such sales shall be conducted in all respects (except where changed by city laws or ordinances) as sales are conducted by Sheriffs and Constables, under the laws of the State of Alabama.

Persons fail-  
ing to pay  
fine required  
to work on  
the streets.

SEC. 291. When any person is fined, and is unable to pay the fine, it shall be lawful for the Mayor or Councilman trying the case, to cause him to work out by labor on the streets, the amount of the fine and costs, at the rate of one dollar per day, for white men, and seventy-five cents per day for negroes.



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| Time when assessment shall be completed,                                 | 48 | 53 | Any person bringing a beggar to the city,                                           | 95 267 |
| Mayor must report revenue required and action thereon,                   | 48 | 54 | Beggars taken before Mayor,                                                         | 95 286 |
| Rate of taxation how ascertain'd,                                        | 48 | 54 | <b>BILLIARD TABLES.</b>                                                             |        |
| City Clerk shall make statement of the entire taxes due,                 | 49 | 55 | Keeper of billiard table must pay license,                                          | 52 65  |
| Then assessment shall have force of judgment,                            | 49 | 55 | Amount of license,                                                                  | 52 66  |
| Time when half of taxes are due shall be advertised,                     | 49 | 56 | <b>BOATS.</b>                                                                       |        |
| Manner of doing same,                                                    | 48 | 56 | Lying at wharf, any person who disturbs,                                            | 83 201 |
| Penalty for refusing to pay at stated time,                              | 49 | 56 | Marshal has authority to regulate moorings,                                         | 83 202 |
| Remedy when not paid in forty days.                                      | 50 | 57 | Any captain refusing to comply with Marshal's order,                                | 83 203 |
| How non-residents' taxes are collected,                                  | 50 | 57 | Boats not to interfere with ferry landing,                                          | 83 204 |
| How executions are levied and sales made,                                | 50 | 58 | <b>BONDS.</b>                                                                       |        |
| How to proceed when no personal property is found,                       | 50 | 59 | Bail bond,                                                                          | 97 281 |
| Time and manner of advertising sale,                                     | 51 | 60 | City Clerk's bond,                                                                  | 37 19  |
| Nature of certificate given to purchaser,                                | 51 | 61 | Treasurer's "                                                                       | 39 25  |
| Fiscal year in the city of Selma,                                        | 51 | 62 | Marshal's "                                                                         | 40 28  |
| City Clerk authorised to administer oaths,                               | 51 | 63 | City Attorney's bond,                                                               | 42 35  |
| Amount of fees of city clerk entitled when executions are levied,        | 51 | 64 | " Printer's "                                                                       | 42 38  |
| Owners chargeable with all costs,                                        | 52 | 64 | " Physician's "                                                                     | 76 171 |
| <b>AUCTIONEERS.</b>                                                      |    |    | <b>BUILDERS.</b>                                                                    |        |
| Must obtain license,                                                     | 56 | 78 | May occupy $\frac{1}{2}$ of street,                                                 | 65 120 |
| Auction tax.                                                             | 56 | 78 | <b>CABS.</b>                                                                        |        |
| Executors, Administrators, Guardians and others excepted,                | 56 | 78 | Owner of must obtain license,                                                       | 52 65  |
| License not transferable,                                                | 56 | 79 | Must have the number painted in figures,                                            | 55 73  |
| License revocable,                                                       | 56 | 79 | Charges of hacks limited,                                                           | 54 72  |
|                                                                          |    |    | Must keep the law in hacks posted up,                                               | 55 73  |
|                                                                          |    |    | Allowed double rates after 10 p.m.                                                  | 55 72  |
|                                                                          |    |    | <b>CAMPS.</b>                                                                       |        |
|                                                                          |    |    | Not allowed in the city,                                                            | 92 248 |
|                                                                          |    |    | <b>CARTS.</b>                                                                       |        |
|                                                                          |    |    | Shall be licensed,                                                                  | 52 65  |
|                                                                          |    |    | Number of license attached to,                                                      | 54 70  |
|                                                                          |    |    | Tariff of charges,                                                                  | 54 71  |
|                                                                          |    |    | Driver shall not refuse to carry a load,                                            | 54 71  |
|                                                                          |    |    | What is a load,                                                                     | 54 71  |

|                                                               |        |                                                                                                      |        |
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| <b>CATTLE.</b>                                                |        | <b>CITY COURTS.</b>                                                                                  |        |
| Shall not run at large in streets,                            | 67 128 | Mayor must hold court every morning,                                                                 | 98 282 |
| <b>CELLAR DOORS.</b>                                          |        | Clerk and Marshal must attend,                                                                       | 98 283 |
| Above sidewalk prohibited,                                    | 64 110 | <b>CITY PHYSICIAN.</b>                                                                               |        |
| <b>CEMETERY.</b>                                              |        | When elected,                                                                                        | 76 171 |
| All corpses must be buried in the New grave yard,             | 82 198 | Bond of,                                                                                             | 76 171 |
| It is not lawful for a negro to be buried in Old grave yard,  | 82 199 | Duty to visit Hospital,                                                                              | 76 172 |
| <b>CIGARS.</b>                                                |        | Shall report number of patients,                                                                     | 76 173 |
| Retailers of must obtain license;                             | 52 65  | His duty in case of small-pox,                                                                       | 76 173 |
| How much paid for license,                                    | 52 66  | <b>CITY PRINTER.</b>                                                                                 |        |
| <b>CITY ATTORNEY.</b>                                         |        | His election and pay,                                                                                | 42 36  |
| How elected,                                                  | 41 34  | " duties,                                                                                            | 42 37  |
| His duties,                                                   | 41 34  | " bond,                                                                                              | 42 38  |
| " salary,                                                     | 42 35  | <b>COCK FIGHTING.</b>                                                                                |        |
| " bond,                                                       | 42 35  | Prohibited,                                                                                          | 92 249 |
| <b>CITY CLERK.</b>                                            |        | All persons assembling for such purposes how punished,                                               | 92 249 |
| How elected,                                                  | 37 19  | Slaves and free persons,                                                                             | 92 249 |
| Shall give bond,                                              | 37 19  | <b>CONCERTS.</b>                                                                                     |        |
| Shall keep his office in the city building,                   | 37 19  | Must be licensed,                                                                                    | 53 95  |
| Shall attend meeting of city council,                         | 38 20  | For charitable purposes excepted,                                                                    | 53 98  |
| Shall keep minutes,                                           | 38 20  | <b>CONDUCT—DISORDERLY.</b>                                                                           |        |
| Shall keep a book for all laws and ordinances,                | 38 20  | Persons using profane or indecent language,                                                          | 92 253 |
| Shall keep account of all monies received and disbursed,      | 38 20  | In public house,                                                                                     | 92 253 |
| Shall make entries of all appropriations,                     | 38 20  | Any person disturbing religious assembly,                                                            | 92 254 |
| His salary,                                                   | 38 20  | Any person found drunk on streets,                                                                   | 92 255 |
| City clerk shall collect taxes,                               | 38 21  | Any person defacing any building,                                                                    | 92 250 |
| Is accountable for taxes,                                     | 38 21  | Injuring a church,                                                                                   | 92 251 |
| Compensati'n for collecti'g taxes,                            | 38 21  | Keeping disorderly house,                                                                            | 94 261 |
| Shall pay over,                                               | 39 22  | What a disorderly house,                                                                             | 94 262 |
| Shall report all property not included in assessment,         | 39 23  | Any person renting a house for such purpose,                                                         | 94 262 |
| Clerk is <i>ex officio</i> assessor of personal property,     | 39 24  | <b>CEMETERY.</b>                                                                                     |        |
| Shall receive fees allowed by State laws,                     | 39 24  | Sexton keep map of,                                                                                  | 81 194 |
| Salary as assessor,                                           | 39 24  | When lawful to bury in old grave yard, and who allowed,                                              | 82 198 |
| Fees of clerk,                                                | 44 41  | Depth of graves,                                                                                     | 82 195 |
| Removed for neglect of duty,                                  | 43 39  | Charges allowed sexton,                                                                              | 82 195 |
| How proceeded with,                                           | 43 40  | No person allowed to bury any dead body without notice to sexton,                                    | 82 196 |
| Shall furnish managers of elections with lists of tax-payers, | 34 7   | Injury to tombs, fences, trees, flowers, shrubbery,                                                  | 83 200 |
| Shall give notice of assessments,                             | 45 44  | Sexton shall keep a book record of age, birth-place and cause of death, and precise place of burial, | 82 197 |
| Clerk shall make a schedule of entire amount of taxes,        | 49 55  | Physicians shall report to city clerk, deaths,                                                       | 81 192 |
| City clerk authorized to administer an oath,                  | 51 63  | Clerk shall keep a record of same,                                                                   | 81 193 |
| In what cases,                                                | 51 63  | <b>CHEATING.</b>                                                                                     |        |
| Shall grant licenses,                                         | 52 65  | Persons cheating punished,                                                                           | 58 89  |
| <b>CITY COUNCIL.</b>                                          |        | Persons using false weights and measures punished,                                                   | 58 88  |
| Composed of Mayor and Councilmen,                             | 34 5   | Persons selling by false mark or false packed sugar, &c.                                             | 58 89  |
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| How elected,                                                  | 34 6   | No person allowed to burn chimney at a certain time,                                                 | 89 233 |
| Who are electors,                                             | 35 7   | Chimneys and stove-pipes dangerous abated as nuisances,                                              | 89 234 |
| When Council shall meet,                                      | 37 16  | Duty of Marshal to enter upon and inspect,                                                           | 90 234 |
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| What can be done at call'd meeting,                           | 37 17  | Disturbing religious assembly prohibited,                                                            | 92 254 |
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|                                                               |        | Owner of, must obtain license,                                                                       | 52 65  |

|                                                                                      |    |         |                                                                    |    |      |
|--------------------------------------------------------------------------------------|----|---------|--------------------------------------------------------------------|----|------|
| Amount of license,                                                                   | 52 | 66      | Injuring shade tree,                                               | 96 | 272  |
| <b>DAGUERIAN ARTISTS.</b>                                                            |    |         | Hitching horse to shade tree,                                      | 96 | 273  |
| Must procure license,                                                                | 52 | 65      | Gaming with minors,                                                | 93 | 259  |
| Amount of license,                                                                   | 52 | 66      | Shooting in corporation,                                           | 90 | 236  |
| <b>DAY-LABORERS.</b>                                                                 |    |         | <b>DOGS.</b>                                                       |    |      |
| Shall obtain license,                                                                | 52 | 65      | Owners of dogs must render list of,                                | 66 | 125  |
| It is not lawful for any slave to hire his own time,                                 | 72 | 154     | Dogs registered,                                                   | 66 | 125  |
| City clerk may license a slave to work in the city as a day laborer,                 | 73 | 155     | Must procure collar,                                               | 66 | 125  |
| Can license seamstress or washer-woman,                                              | 73 | 155     | Dogs not allowed to run at large,                                  | 67 | 126  |
| No license issued unless owner be a resident of Selma,                               | 73 | 155     | Marshal's fee for killing dogs and conveying same out of the city, | 67 | 126  |
| No free negro residing out of Selma allowed to work therein without license,         | 74 | 163     | <b>DRAYS.</b>                                                      |    |      |
| <b>DEATHS</b>                                                                        |    |         | Must be licensed,                                                  | 52 | 65   |
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| Of words used in the code, pages                                                     | 23 | & 24    | What is a load,                                                    | 54 | 71   |
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| <b>DIRT</b>                                                                          |    |         | License not transferable except by consent of council,             | 56 | 79   |
| Must not be cut or carried from any street or thoroughfare,                          | 84 | 205     | Not allowed to drive immoderately,                                 | 66 | 121  |
| No person shall cut dirt from bank of the river,                                     | 84 | 205     | Stopping at crossings forbidden,                                   | 64 | 113  |
| Hauling dirt and depositing in streets prohibited,                                   | 65 | 118     | <b>DRIVING.</b>                                                    |    |      |
| Not allowed to throw sweepings on streets,                                           | 65 | 116     | Fast driving prohibited,                                           | 66 | 121  |
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| Not lawful to throw filth on same,                                                   | 80 | 188     | Time of opening and closing polls,                                 | 35 | 6    |
| How privies shall be kept,                                                           | 79 | 186     | Votes counted out and certified to council,                        | 35 | 8    |
| Not lawful to establish tan yard,                                                    | 80 | 190     | How contested,                                                     | 35 | 9&10 |
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| Drunkenness on streets,                                                              | 93 | 255     | Vacancy of 1st or 2nd,                                             | 85 | 211  |
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| To the Mayor,                                                                     | 44  | 41  | No free negro shall go at large,                                 | 74 | 161 |
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| <b>HIRE.</b>                        |        | When license expire,                 | 53 67      |
| Slave not allowed to hire his time, | 72 154 | Penalties for not taking out,        | 53 69      |
| Owner of slave hiring time fined,   | 73 154 | Exception to license law,            | 53 68      |
| City clerk grant license,           | 73 155 | Not transferable,                    | 56 79      |
| Livery stable keepers not to hire   |        | <b>FIRE LIMITS.</b>                  |            |
| to slaves,                          | 73 156 | Fire Limits,                         | 88 226     |
| <b>HOGS.</b>                        |        | <b>LIQUORS.</b>                      |            |
| Running at large,                   | 66 123 | Retailers of, licensed,              | 72 65      |
| When not allowed,                   | 66 123 | Amount of license,                   | 72 66      |
| How disposed of                     | 66 124 | Who is a retailer,                   | 55 74      |
| Redeemed how,                       | 66 124 | Who issues license and to whom,      | 55 75      |
| <b>HOOK AND LADDER.</b>             |        | Gambling forbidden,                  | 55 76      |
| Company,                            | 85 208 | Negroes not allowed to act as clerk, | 55 76      |
| Appropriations to,                  | 86 217 | Not to sell to negroes,              | 72 151     |
| Duty of,                            | 87 221 | Must not give to slaves,             | 72 152     |
| Exemption from street work,         | 87 222 | What evidence necessary,             | 72 153     |
| <b>HORSES.</b>                      |        | General provisions,                  | 96 276     |
| Running at large,                   | 66 122 | <b>LISTS.</b>                        |            |
| Hitching to shade tree,             | 96 273 | The clerk shall prepare a list of    |            |
| Not to be driven or ridden fast,    | 66 121 | voters,                              | 55 7       |
| <b>HOSPITAL.</b>                    |        | <b>LIVERY STABLES.</b>               |            |
| What building,                      | 75 167 | Must not hire to negroes,            | 73 156     |
| Committee controls,                 | 75 168 | Penalty for suffering negroes to     |            |

|                                      |        |                                     |        |
|--------------------------------------|--------|-------------------------------------|--------|
| ride in backs,                       | 73 157 | Persons using false measures,       | 58 86  |
| How negro is punished,               | 73 158 | Marshal shall test,                 | 58 90  |
| LOAD,                                |        | <b>MORTUARY REPORTS.</b>            |        |
| Of dray, cart, &c.,                  | 54 71  | Physicians must make reports of     |        |
| LOTTERY TICKETS.                     |        | deaths,                             | 81 192 |
| Vendors must procure license,        | 52 65  | Clerk must file reports,            | 81 193 |
| Amount of license,                   | 52 66  | <b>NUISANCE.</b>                    |        |
| MAGAZINE—POWDER                      |        | Causes of infectious diseases,      | 78 182 |
| Powder kept in,                      | 90 237 | Board of health can examine pre-    |        |
| City marshal has charge of,          | 90 238 | mises,                              | 79 183 |
| MALICIOUS MISCHIEF.                  |        | Filth on streets,                   | 80 188 |
| Punished,                            | 94 266 | Digging pits on streets,            | 80 189 |
| MAPS.                                |        | Tan yard in city,                   | 80 190 |
| Of grave yard, kept by sexton,       | 81 194 | Butcher Pen,                        | 80 190 |
| MARKET.                              |        | <b>OBSTRUCTIONS.</b>                |        |
| Regulations,                         | 56 80  | No person shall obstruct sidewalks, | 62 107 |
| Persons renting more than are        |        | Cellar door above sidewalk,         | 64 110 |
| necessary,                           | 56 81  | Steps on same,                      | 64 111 |
| Market hours,                        | 57 82  | Vehicle stopped on sidewalk,        | 64 113 |
| No person to sell or buy, before     |        | Building or fence on sidewalk,      | 65 115 |
| market hours,                        | 57 83  | Ashes or dirt on sidewalk,          | 65 116 |
| Shall not buy to speculate on,       | 57 84  | Putting dirt on sidewalk,           | 66 118 |
| Duty of lessees,                     | 57 85  | Obsructing gutters and sewers,      | 65 119 |
| MARSHAL.                             |        | Anything found obstructing side-    |        |
| How elected,                         | 40 28  | walks sold,                         | 67 129 |
| Salary of marshal,                   | 40 28  | <b>OMNIBUS.</b>                     |        |
| Oath of,                             | 40 28  | Must be licensed,                   | 52 65  |
| Bond of,                             | 40 29  | Amount of license,                  | 52 66  |
| Shall execute process,               | 40 29  | <b>OFFICERS.</b>                    |        |
| Take charge of streets,              | 40 30  | City how elected,                   | 34 5   |
| Shall make lists of patrol,          | 41 31  | How and when removed,               | 43 29  |
| Shall collect fines &c.              | 41 33  | Punishment of de.inquents,          | 43 40  |
| Has charge of police and patrol,     | 68 130 | <b>PATROL.</b>                      |        |
| Shall notify patrol,                 | 68 133 | What citizens liable to duty,       | 68 132 |
| Has custody of city prison,          | 69 138 | There shall be a leader,            | 68 133 |
| Duty to keep prison clean,           | 70 139 | Any person refusing to do patrol    |        |
| Has charge of magazine.              | 90 238 | duty fined,                         | 69 134 |
| Must impound hogs, goats and cat-    |        | Leader must notify his company,     | 69 135 |
| tle running at large,                | 66 122 | Duty after 3½ o'clock, P.M.         | 69 136 |
| Must kill dogs without collars,      | 67 126 | Aiding prisoner to escape patrol    |        |
| Test weights and measures,           | 58 90  | punished,                           | 69 137 |
| Regulates landing of boats,          | 83 202 | <b>PAUPERS.</b>                     |        |
| Aids at fires,                       | 89 231 | Must not be brought to city,        | 95 267 |
| Marshal must collect fines,          | 99 287 | Pauper how treated,                 | 95 268 |
| MAYOR.                               |        | Paupers when sick,                  | 77 176 |
| How elected,                         | 34 5   | When convalescent required to       |        |
| Must preside at all meetings of ci-  |        | work streets,                       | 78 178 |
| ty council,                          | 36 13  | <b>PEDDLING.</b>                    |        |
| His duty to see laws executed,       | 36 14  | Licensed,                           | 52 65  |
| Shall report misconduct of all offi- |        | <b>PHYSICIAN.</b>                   |        |
| cers,                                | 36 14  | City physician,                     | 76 171 |
| Mayor's salary,                      | 36 15  | His duty,                           | 76 172 |
| Mayor can call meeting,              | 37 16  | He shall report quarterly,          | 76 173 |
| Mayor shall sign all ordinances      |        | Physicians must report deaths,      | 81 192 |
| and laws,                            | 37 18  | <b>PISTOLS</b>                      |        |
| Fees of,                             | 44 41  | Shall not be discharged in streets, | 90 236 |
| Mayor shall issue notice to real es- |        | Must not be carried concealed,      | 96 275 |
| tate holders,                        | 45 44  | <b>POLICE.</b>                      |        |
| Mayor to inform council of amo't     |        | What constitntes,                   | 68 130 |
| of revenue,                          | 48 54  | Duty of police,                     | 68 131 |
| Shall certify taxes,                 | 48 55  | How appointed                       | 68 130 |
| Mayor chairman of committee of       |        | <b>PORTER—See Day Laborer.</b>      |        |
| hospital,                            | 75 167 | <b>POWDER.</b>                      |        |
| Mayor chairman Board of health,      | 78 179 | Shall be kept in magazine           | 90 237 |
| Mayor appoints board,                | 78 181 | Marshal has charge of,              | 90 238 |
| Mayor shall cause the arrest of of-  |        | <b>PRISON.</b>                      |        |
| fenders,                             | 97 278 | City prison in custody of marshal,  | 69 138 |
| MEASURES.                            |        | Must be kept clean.                 | 70 139 |
| Standard of,                         | 57 86  | <b>PRIVY.</b>                       |        |
| Persons using any differing from     |        | Not to be put on streets,           | 79 186 |
| standard, punished,                  | 57 87  | River bluff not to be used as such, | 94 264 |

|                                       |        |                                       |        |
|---------------------------------------|--------|---------------------------------------|--------|
| <b>PUBLIC HOUSES.</b>                 |        | No person allowed to bury with-       |        |
| Proprietors of must preserve order,   | 93 253 | out notice to sexton,                 | 82 196 |
| <b>PUBLIC PROPERTY.</b>               |        | Sexton shall record &c.               | 82 197 |
| Shall not be injured,                 | 92 250 | <b>SHADE TREES.</b>                   |        |
| <b>PUNISHMENT.</b>                    |        | Persons injuring punished,            | 96 272 |
| For violation of State Laws,          | 96 276 | Horses must not be hitched to,        | 96 273 |
| “ “ City                              | 96 276 | Mock Orange trees must not be         |        |
| <b>PUBLIC WORSHIP.</b>                |        | thrown on streets,                    | 96 274 |
| Shall not be disturbed,               | 93 254 | <b>SHOOTING.</b>                      |        |
| <b>RACING.</b>                        |        | In the city forbidden,                | 90 236 |
| Forbidden on streets,                 | 66 121 | <b>SIDE-WALK.</b>                     |        |
| <b>REAL ESTATE.</b>                   |        | Property owners required to build,    | 61 102 |
| How assessed,                         | 45 42  | The width thereof,                    | 61 102 |
| How assessment is advertised,         | 45 44  | Materials to be used on parts of wa-  |        |
| Valuation equal,                      | 46 46  | ter and broad streets,                | 61 103 |
| When valuation incorrect,             | 45 45  | In other parts of the city,           | 62 104 |
| When owner not known,                 | 51 60  | Marshal shall build where owners      |        |
| <b>RECORDS.</b>                       |        | refuse,                               | 62 105 |
| Kept by city clerk,                   | 38 20  | Brick and stone shall conform in      |        |
| <b>REGISTRY.</b>                      |        | grade,                                | 62 106 |
| Of deaths kept by steward of hos-     |        | Shall not be obstructed,              | 62 107 |
| pital,                                | 76 175 | Shall not have sales on,              | 62 107 |
| Sexton shall keep registry of in-     |        | Cellar-door shall not be above,       | 64 110 |
| terments,                             | 82 197 | Shall not erect steps on,             | 64 111 |
| <b>RELIGIOUS WORSHIP.</b>             |        | Shall not injure side-walk,           | 64 112 |
| Shall not be disturbed,               | 93 254 | Vehicle shall not be stopped on,      | 64 113 |
| <b>REMOVAL OF OFFICERS.</b>           |        | Ashes, dirt or trash on,              | 65 116 |
| City council can remove,              | 43 39  | Persons building may occupy,          | 65 120 |
| How removal is affected,              | 43 40  | Anything found obstructing the        |        |
| <b>REPEAL</b>                         |        | side-walk, to be sold,                | 67 129 |
| Of existing ordinances,               | 33 1&2 | Privy shall not be near,              | 79 186 |
| <b>RESISTING</b>                      |        | <b>SIGNS.</b>                         |        |
| An officer,                           | 68 131 | Must not project across side-walk,    | 63 109 |
| <b>RESTAURANT.</b>                    |        | <b>SIGN-BOARD.</b>                    |        |
| Licensed,                             | 52 65  | Must be placed at corners of streets, | 61 100 |
| <b>RETAILERS.</b>                     |        | Shall not be injured or defaced,      | 61 101 |
| Shall be licensed,                    | 52 65  | Marshal must put them up,             | 61 100 |
| Who are retailers,                    | 55 74  | <b>SLAUGHTER HOUSE.</b>               |        |
| To whom license may issue,            | 55 75  | Not allowed in corporate limits,      | 80 190 |
| Retailer not to allow gambling,       | 55 76  | Penalty for offending,                | 80 191 |
| Not to sell or give to minor,         | 55 77  | <b>SLAVES.</b>                        |        |
| Shall not sell or give to slaves,     | 72 152 | Not to act as clerk,                  | 55 76  |
| What evidence necessary,              | 72 153 | Not allowed to be out after 8½        |        |
| Not to allow negroes to visit,        | 72 153 | o'clock p. m.                         | 70 140 |
| Shall not keep open on Sunday,        | 95 270 | Shall carry a permit,                 | 70 140 |
| Negro or mulatto shall not act as     |        | Slaves arraigned before city court,   | 70 141 |
| clerk,                                | 55 76  | When Slaves treated as runaway,       | 70 142 |
| <b>FAST RIDING.</b>                   |        | Using insulting language              | 70 143 |
| Forbidden,                            | 66 121 | Gaming of any kind,                   | 71 144 |
| <b>RIOTOUS CONDUCT.</b>               |        | Gaming when white person is           |        |
| Forbidden,                            | 92 252 | present,                              | 71 145 |
| <b>RIVER.</b>                         |        | Shall not smoke or walk with a        |        |
| Bathing in prohibited,                | 84 206 | cane on streets,                      | 71 146 |
| <b>RIVER BANK.</b>                    |        | What is an unlawful assembly of       |        |
| Digging or carrying away prohib-      |        | Slaves.                               | 71 147 |
| ited,                                 | 84 205 | White person present, punished,       | 71 148 |
| <b>SABBATH BREAKING.</b>              |        | White person about negro houses,      | 71 149 |
| Prohibited,                           | 94 270 | Negro shall not trespass upon pri-    |        |
| Exceptions,                           | 94 271 | vate residence,                       | 71 150 |
| <b>SCHEDULE.</b>                      |        | White person shall not trade with     |        |
| The clerk shall make a schedule of    |        | slaves,                               | 71 151 |
| real estate,                          | 45 43  | Slaves allowed to sell milk and       |        |
| Shall deliver same to the assessi'g   |        | poultry,                              | 72 151 |
| committee,                            | 45 43  | Selling liquor to slaves,             | 72 152 |
| <b>SEAMSTRESSES—See Day Laborers.</b> |        | What evidence is presumptive of       |        |
| <b>SEWERS.</b>                        |        | guilt,                                | 72 153 |
| Shall not be obstructed,              | 65 119 | Slave shall not hire his time,        | 72 154 |
| <b>SEXTON.</b>                        |        | License granted to slave to work,     | 73 155 |
| Is appointed by council,              | 81 194 | Negro shall not hire vehicle,         | 73 156 |
| Sexton shall dig all graves,          | 82 195 | Hackman allowing negro to ride,       | 73 157 |
| Depth of all graves,                  | 82 195 | Negro found riding in hack,           | 73 158 |



|                                                        |    |     |                                                                   |    |     |
|--------------------------------------------------------|----|-----|-------------------------------------------------------------------|----|-----|
| Resident free negroes shall report themselves,         | 73 | 159 | Objections to valuation heard,                                    | 46 | 44  |
| Free negroes shall give bond,                          | 74 | 160 | Valuation shall be equal,                                         | 46 | 46  |
| When Slave is convicted,                               | 74 | 164 | Valuation certified by Mayor and city clerk,                      | 47 | 48  |
| Marshal's fee for whipping negro,                      | 75 | 166 | City clerk assesses person's prop'ty,                             | 47 | 49  |
| Negro not to be buried in the Old grave yard,          | 82 | 199 | Shall notify all persons to file schedule.                        | 47 | 49  |
| <b>SMOKING.</b>                                        |    |     | Schedule when not filed,                                          | 47 | 50  |
| Slaves not allowed to smoke on streets.                | 71 | 146 | Clerk shall receive fee when schedule not filed,                  | 47 | 551 |
| No person allowed to smoke in enclosure of ware-house, | 90 | 235 | When schedule is complete,                                        | 48 | 52  |
| <b>SPIRITUOUS LIQUORS.</b>                             |    |     | When schedule must be made,                                       | 48 | 53  |
| Sale of, licensed,                                     | 52 | 65  | Council meeting after assessment,                                 | 48 | 54  |
| Shall not be sold to slaves,                           | 72 | 152 | Mayor must state revenue needed,                                  | 48 | 54  |
| Shall not be sold or given to minors,                  | 55 | 77  | Clerk must make schedule of aggregate amount of taxable property, | 49 | 55  |
| Must not be sold on Sunday,                            | 95 | 270 | Half taxes due, 20th Jan. & Dec.                                  | 49 | 56  |
| <b>STABLES.</b>                                        |    |     | When taxes are not paid,                                          | 50 | 57  |
| Slaves not allowed to hire at,                         | 73 | 156 | How execution levied,                                             | 50 | 58  |
| <b>STATE LAWS.</b>                                     |    |     | When personal property not found,                                 | 50 | 59  |
| Punishment for violating,                              | 96 | 276 | Notice of sale,                                                   | 51 | 60  |
| <b>STEAMBOATS.</b>                                     |    |     | Tax year,                                                         | 51 | 62  |
| Not to be turned adrift,                               | 83 | 201 | Clerk administers oath,                                           | 51 | 63  |
| City marshal to regulate landing and mooring of,       | 83 | 202 | Clerk allowed fee for execution,                                  | 51 | 64  |
| Penalty for disobeying marshal,                        | 83 | 203 | <b>TEN PIN ALLEY.</b>                                             |    |     |
| Not to interfere with ferry landing,                   | 83 | 204 | Must be licensed,                                                 | 52 | 65  |
| Not allow'd to land diseas'd persons,                  | 79 | 185 | Amount of license,                                                | 52 | 66  |
| <b>STEPS.</b>                                          |    |     | <b>THEATER.</b>                                                   |    |     |
| On side-walk prohibited,                               | 64 | 111 | Must be licensed,                                                 | 52 | 65  |
| <b>STOVES.</b>                                         |    |     | Amount of license,                                                | 52 | 66  |
| Dangerous to adjoining property, prohibited,           | 89 | 234 | <b>TREASURER.</b>                                                 |    |     |
| Marshal must inspect when dangerous,                   | 90 | 234 | How elected,                                                      | 39 | 25  |
| <b>STREETS.</b>                                        |    |     | Bond of,                                                          | 36 | 25  |
| Who liable to do street duty,                          | 59 | 91  | Treasurer's salary,                                               | 39 | 25  |
| Any person failing to work streets, fined,             | 59 | 92  | Shall keep all moneys                                             | 39 | 26  |
| All streets and alleys public,                         | 59 | 93  | How he shall pay out,                                             | 39 | 26  |
| No person allowed to open streets or alleys,           | 59 | 94  | Shall preserve all books,                                         | 40 | 27  |
| How streets are opened or extend'd,                    | 60 | 95  | <b>TOMBSTONES.</b>                                                |    |     |
| Mayor shall summon jury,                               | 60 | 96  | Persons injuring punished,                                        | 83 | 200 |
| How jury are impannelled,                              | 60 | 97  | <b>TREES.</b>                                                     |    |     |
| Jury shall assess damages,                             | 60 | 98  | In cemetery not to be injured,                                    | 83 | 200 |
| Persons refusing to act as juror,                      | 61 | 99  | Mock Orange,                                                      | 96 | 274 |
| Signboards shall be placed on streets,                 | 61 | 100 | Injuring shade tree,                                              | 96 | 272 |
| Varandahs,                                             | 63 | 109 | Hitching horse to,                                                | 96 | 293 |
| Signs must not project.                                | 63 | 109 | <b>UNLAWFUL ASSEMBLY</b>                                          |    |     |
| Vehicles must not obstruct,                            | 64 | 114 | What is unlawful assembly,                                        | 71 | 147 |
| No person must encroach upon,                          | 65 | 115 | White or free person at,                                          | 71 | 148 |
| Filth must not be thrown in,                           | 65 | 116 | <b>VAGRANTS.</b>                                                  |    |     |
| Dirt must not be thrown in,                            | 65 | 118 | In city taken up,                                                 | 95 | 268 |
| Persons building may use,                              | 65 | 120 | <b>VEHICLES.</b>                                                  |    |     |
| Fast riding through streets,                           | 66 | 121 | Licensed,                                                         | 52 | 65  |
| Horse not allowed to run in,                           | 66 | 122 | Amount of license,                                                | 52 | 66  |
| When anything found obstructing,                       | 67 | 129 | Must be numbered,                                                 | 53 | 70  |
| Dig'ing or carry'g away prohibit'd,                    | 84 | 206 | <b>VOTERS.</b>                                                    |    |     |
| Camps on streets, prohibited.                          | 92 | 248 | Who allowed to vote,                                              | 35 | 7   |
| Drunkenness on streets,                                | 93 | 255 | Must pay poll and street tax,                                     | 35 | 7   |
| Indecency on streets,                                  | 94 | 265 | Illegal voters punished,                                          | 36 | 12  |
| Mock Orange on streets,                                | 96 | 274 | <b>WASHERWOMEN &amp; SEAMSTRESSES.</b>                            |    |     |
| <b>TAVERNS.</b>                                        |    |     | See Day Laborers.                                                 |    |     |
| Shall be licensed,                                     | 52 | 65  | <b>WAGONS.</b>                                                    |    |     |
| Proprietors shall keep order,                          | 93 | 258 | Licensed,                                                         | 52 | 65  |
| <b>TAXES.</b>                                          |    |     | What is a load,                                                   | 54 | 71  |
| Annual valuation of real estate,                       | 45 | 43  | <b>WEAPONS—CONCEALED.</b>                                         |    |     |
| Schedule of real estate,                               | 45 | 43  | Must not be carried,                                              | 96 | 275 |
| Mayor shall give notice of valuation,                  | 45 | 44  | <b>WEIGHTS AND MEASURES.</b>                                      |    |     |
|                                                        |    |     | Regulations of,                                                   | 57 | 86  |
|                                                        |    |     | What shall be standard of,                                        | 57 | 86  |
|                                                        |    |     | Penalties for selling by other standards,                         | 57 | 87  |
|                                                        |    |     | Penalty for using false,                                          | 58 | 88  |

|                                |    |     |                                      |        |
|--------------------------------|----|-----|--------------------------------------|--------|
| Shall be tested,               | 58 | 90  | WOODEN BUILDING.                     |        |
| WITNESSES.                     |    |     | Shall not be erected in fire limits, | 88 228 |
| Marshal shall summon,          | 98 | 284 | Shall not be moved in fire limits,   | 88 228 |
| Defaulting witnesses punished, | 98 | 285 | WORSHIP.                             |        |
|                                |    |     | Shall not be disturbed,              | 93 254 |

# APPENDIX.

(The act published below was passed after the Charter, Amendments and Code were printed.—L.)

## AN ACT

To amend An Act, amendatory of the Charter of the City of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened—*

That the Act, entitled “An Act to amend the Charter of the City of Selma,” approved February 24th, 1860, be and the same is hereby altered and amended as hereinafter specified and enacted.

SEC. 2. *And be it further enacted,* That any freeholder of the City of Selma, who may be dissatisfied with the valuation of real estate in said City, made by the Assessor of Taxes in said City, may refer the said valuation of his real estate to three freeholders of said City, who are not Councilmen, one of said freeholders to be selected by the person dissatisfied with the valuation made by the City Assessor, another of said freeholders to be selected by the Mayor of said City, and the third freeholder to be chosen by the two freeholders first selected, and the decision of the said three freeholders, shall be the true valuation of the real estate so submitted to them, and upon the said valuation the City Taxes shall be assessed: *Provided,* the person dissatisfied with the valuation of his said real estate, as returned in the schedule and valuation made by the person appointed by the City Council, shall give to the Mayor of said City written notice of his dissatisfaction, and the name of the referee chosen by him, within ten days after publication of the returns to the City Clerk's office,

Appeal from assessment of Real Estate allowed.

Referees—how selected.

Their decision final.

Proviso.

of said schedule and valuation, and upon the reception of said notice, by the said Mayor, he, the said Mayor shall designate some person as above set forth, and these two so selected and designated shall select a third person, and proceed within ten days from the date of their selection to hear the case, and immediately after the valuation of the said real estate referred to them, is made and determined by them, they shall give notice of the same to the Mayor as aforesaid.

Mayor and Councilmen to be elected annually.

SEC. 3. *And be it further enacted*, That at the expiration of the term for which the Mayor and Common Councilmen of the City of Selma are elected, the Mayor and Councilmen of said City shall be elected for one year, and shall hold their offices for one year, or until the election and qualification of their successors, and the elections for Mayor and Councilmen, shall at the expiration of the terms of the present incumbents be made annually instead of biannually as heretofore.

Repeal of acts in conflict with above provisions.

SEC. 4. *And be it further enacted*, That so much of "An Act to incorporate the City of Selma," approved February 6th, 1858, and of an Act to amend the charter of the said City of Selma, approved Feb'y 24th, 1860, as is in conflict with the provisions of this act, be and the same is hereby repealed.

Approved, December 3d, 1861.

ERRATA.

- On page 53, 4th line from top, insert the word "other" after "every."  
On page 53, sec. 67, read "annual" for "animal."  
On page 91, sec. 245 omit "241."



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See 3

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| 18.20 |
| 9.50  |
| 50.00 |

