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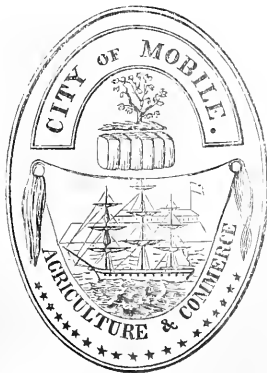
THE
CODE OF ORDINANCES

OF THE
CITY OF MOBILE,
to

With the Charter,
Councilman Geo. Schieffelin
AND AN APPENDIX.

PURSUANT TO AN ORDER OF THE MAYOR, ALDERMEN, AND COMMON COUNCIL,

BY THE HON. ALEXANDER MCKINSTRY.



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THE CHARTER OF THE CITY OF MOBILE,

In force in 1858,

AND THE

ORDINANCES OF THE CITY OF MOBILE,

AND

A N A P P E N D I X ,

BY ALEX. MCKINSTRY.

CONTAINING

1st. A Statement of the dates of the French, British, Spanish, and American occupation of Mobile.

2d. A list of the Governors of that part of Alabama south of the 31st degree of north latitude, with the Commandants of Mobile under the French, British, and Spanish Governments, and the Presidents and Mayors of Mobile, since, to 1858, and Collectors of United States Customs.

3d. A list of the Members of the Legislature, and County Judges of Mobile County, to 1858.

4th. Acts of Congress relating to the French, British, and Spanish grants in Mobile (*in Alabama, south of the 31st degree of north latitude.*)

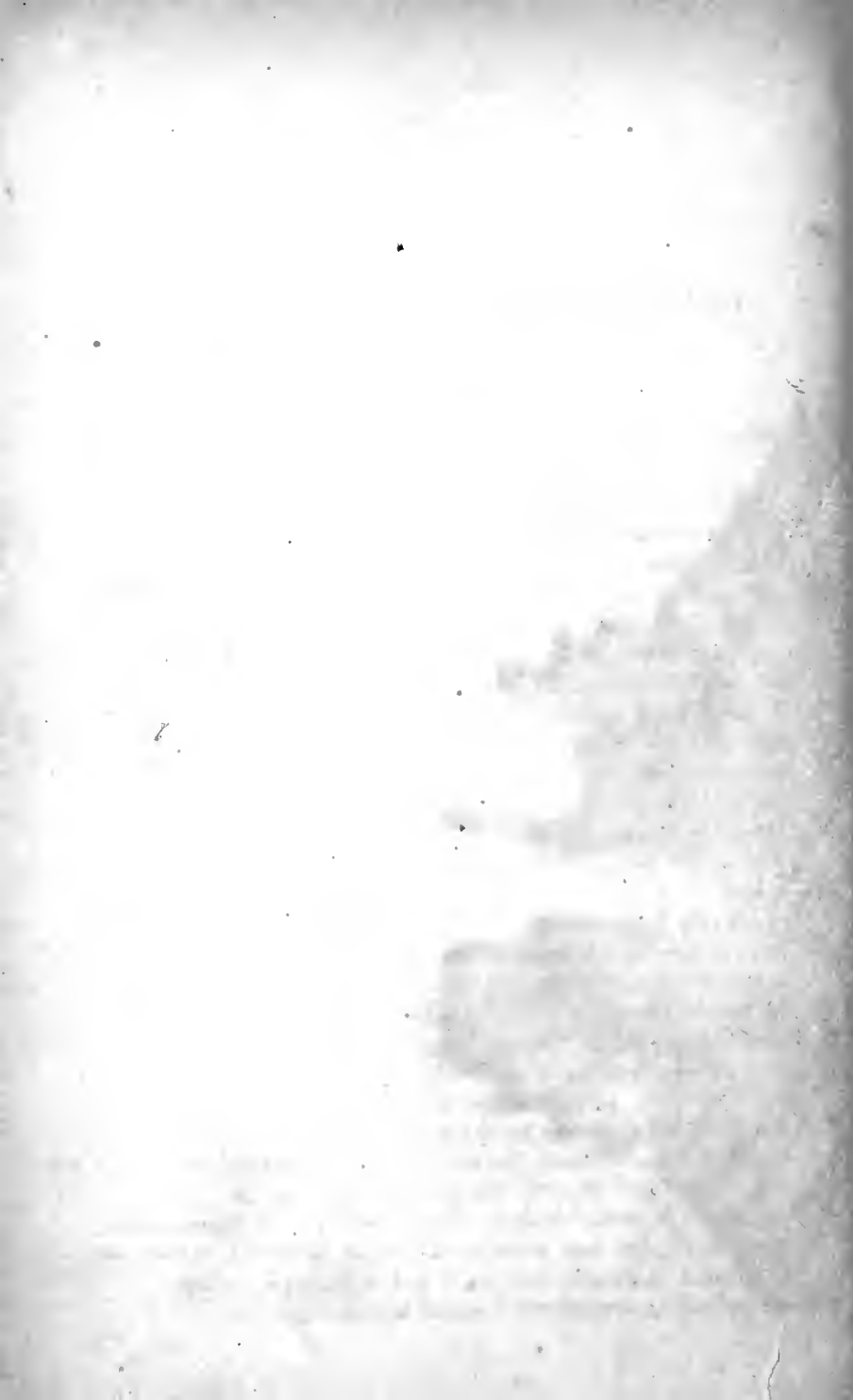
5th. Acts of Alabama relating to the City, not included in the Charter.

6th. Acts, &c., with the Contract for the City Water-Works.

7th. Gas Light Contract.

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THE
C H A R T E R
OF THE
CITY OF MOBILE.



CHARTER OF THE CITY OF MOBILE.

AN ACT to consolidate the several Acts of Incorporation of the City of Mobile, and to alter and amend the same.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, (15th January, 1844, Section 1.)

§ 1. That the corporation of the city of Mobile shall hereafter consist of a mayor, board of aldermen, and board of common council, and shall be known and styled as the “mayor, aldermen and common council of the city of Mobile,” and by their corporate name may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal, and mixed property, not exceeding at any one time five hundred thousand dollars, or dispose of the same for the benefit of said city, and may have and use a city seal, which may be broken or altered at pleasure. Style of corporation. May sue and be sued. May purchase property. City seal.

§ 2. *Be it further enacted,* That the limits and boundaries of the said city of Mobile shall be as follows, to wit :— Section 2.

Commencing at the north bank of Bayou Chetaugue at its mouth, thence running east to the east bank of Spanish river, thence down the east bank of said river to the extreme southern point of the island, thence south to a point which will intersect the south boundary of township No. 4, thence west to a point where a north line will strike the Bayou Chetaugue at the old portage, thence down the left bank of said bayou to the place of beginning. Limits and boundaries.

§ 3. *Be it further enacted,* That the said city of Mobile shall be divided into seven wards, to be numbered and designated as Wards Nos. 1, 2, 3, 4, 5, 6, and 7 ; which wards shall be divided and bounded as follows ;— Section 3. Seven wards

- Ward No. 1. *Ward No. 1* shall commence at the intersection of the eastern and northern boundary lines of the city, thence running southwardly along the east boundary line of the city to its intersection with the center of St. Louis street, thence westwardly along the center of St. Louis street to its intersection with the center of Franklin street, thence northwardly along the center of Franklin street, to its intersection with the north boundary line of the city, thence along the said north boundary line eastwardly to its intersection with the east boundary line of the city, being the place of beginning.
- Ward No. 2. *Ward No. 2* shall commence at the intersection of the east boundary line of the city and the center of St. Louis street, thence running southwardly along said east boundary line to its intersection with the center of St. Francis street, thence westwardly along the center of said St. Francis street to its intersection with the center of Franklin street, thence northwardly along the center of Franklin street to its intersection with the center of St. Louis street, thence eastwardly along the center of St. Louis street to its intersection with the said east boundary line, being the place of beginning.
- Ward No. 3. *Ward No. 3* shall commence at the intersection of the east boundary line of the city and the center of St. Francis street, thence running southwardly along said east boundary line to its intersection with the center of Conti street, thence westwardly along the center of Conti street to its intersection with the center of Franklin street, thence running northwardly along the center of Franklin street to its intersection with the center of St. Francis street, thence eastwardly along the center of St. Francis street, to its intersection with the said east boundary line, being the place of beginning.
- Ward No. 4. *Ward No. 4* shall commence at the intersection of the east boundary line of the city and the center of Conti street, thence running southwardly along said east boundary line to its intersection with the center of Munroe street, thence westwardly along the center of Munroe street to its intersection with the center of Franklin street, thence

northwardly along the center of Franklin street to its intersection with the center of Conti street, thence eastwardly along the center of Conti street to its intersection with the said east boundary line, being the place of beginning.

Ward No. 5 shall commence at the intersection of the east boundary line of the city and the center of Munroe street, thence running southwardly along said east boundary line to its intersection with the south boundary line of the city, thence westwardly along said south boundary line to its intersection with the center of Franklin street, thence northwardly along the center of Franklin street to its intersection with the center of Munroe street, thence eastwardly along the center of Munroe street to its intersection with the east boundary line of the city, being the place of beginning. Ward No. 5.

Ward No. 6 shall commence at the intersection of the south boundary line of the city and the center of Franklin street, thence running northwardly along the center of Franklin street to its intersection with the center of Dauphin street, thence westwardly along the center of Dauphin street, as far as the intersection of Wilkinson street, from which point continuing westwardly along the center of Spring Hill road to the west boundary line of the city, thence southwardly along the east boundary line of the city to its intersection with the south boundary line of the city, thence eastwardly along said south boundary line to its intersection with the center of Franklin street, being the place of beginning. Ward No. 6.

Ward No. 7 shall commence at the intersection of the center of Dauphin and Franklin streets, thence running westwardly along the center of Dauphin street as far as the intersection of Wilkinson street, from which point continuing westwardly along the center of the Spring Hill road to the west boundary line of the city, thence northwardly along said west boundary line to its intersection with the north boundary line of the city, thence eastwardly along said north boundary line to its intersection with the center of Franklin street, thence southwardly along the center of Franklin street to its intersection with the center of Dauphin street, being the place of beginning. Ward No. 7.

(Section 4.)

Eligibility of mayor, aldermen and councilmen, and qualifications.

§ 4. *Be it further enacted,* That no person or persons shall be eligible to the offices of mayor, aldermen or common council aforesaid, unless he or they be free white male citizens of the United States of lawful age, and shall have lived within the corporate limits of the said city at least twelve months immediately preceding the time of their election, and shall have paid into the city treasury a tax within the last municipal year, unless exempted by law from the payment of the same.

(Section 5.) (Feb. 9th, 1852, Section 7.)

Board of aldermen. Of councilmen.

§ 5. *Be it further enacted,* That the board of aldermen shall consist of (three) aldermen for each ward, and the board of common council shall consist of seven members to be elected as hereinafter provided. *Provided,* One of the said common councilmen shall reside in each of the several wards.

(1844, Section 6.)

Election of mayor and councilmen. Qualification of voters.

§ 6. *Be it further enacted,* That the mayor of the said city and the seven common councilmen shall be elected by ballot in general ticket, by the free white male inhabitants of said city, of or over the age of twenty-one years, who are citizens of the United States, and have resided within the city at least twelve months immediately preceding the election, and who have paid into the city treasury a tax within the last municipal year previous to the election, unless exempted by law from the payment of the same; and the aldermen aforesaid shall be elected by ballot, by the citizens of their respective wards, who shall be respectively qualified as aforesaid; but no person shall be so eligible to the office of aldermen, or qualified to vote for the same, unless he or they shall have been residents of the ward for at least twenty days immediately preceding the day of election.

Election of aldermen.

Aldermen shall have resided 20 days in the ward.

(1852, Section 6.)

Term of office of mayor and councilmen.

§ 7. *Be it further enacted,* That hereafter, commencing at the municipal election to be held in and for the city of Mobile, on the first Monday of December, 1852, the persons who shall be elected to fill the respective offices of mayor and common councilmen of said city shall hold their offices for the term of three years; and that after the said election in December, 1852, no general election shall be held for either of the offices of mayor and common council-

men oftener than once in three years, but that when a vacancy shall occur in the meantime in either or any of said offices, the same shall be filled in the manner now prescribed for the balance of the unexpired term for which such mayor or common councilman was elected, whose office shall be so vacant. Vacancy, how filled. See §§ 19, 21.

§ 8. *Be it further enacted*, That hereafter, commencing at the municipal election to be held in and for said city on the first Monday in December, 1852, there shall be three aldermen elected for each ward in said city, by the qualified voters thereof respectively; one of which said aldermen from each ward shall hold his office for the term of one year, and one for the term of two years, and one for the term of three years, from the date of said election in 1852, and no longer; and that on or before the first Monday in November, 1853, the said three aldermen so elected for each ward, shall, in the presence of the board of aldermen, which shall be organized as now required, so far as may be, and in such manner as said board shall direct, determine by lot which one of said three aldermen for each ward shall hold his office for one, and which for two, and which for three years; so that thereafter, commencing at the said election in 1853, one alderman from each ward, and no more, shall be annually elected at the said municipal election in each year, who shall hold his office for the term of three years, and no longer, all vacancies in said board of aldermen, by death or otherwise, to be filled in the manner pointed out by the laws now in force, and for the unexpired time of the persons whose office shall become vacant. (1852, Section 7.) Election of aldermen. One elected annually. Vacancy, how filled.

§ 9. *Be it further enacted*, That the mayor, aldermen and common council for the time being shall appoint three inspectors for each ward in the city, to preside at the election for mayor, aldermen and common council; the certificate of which inspectors shall state the number of votes taken, and who are the highest on the list. And said certificate being filed with the clerk of the said city of Mobile, shall be conclusive evidence as to those who are elected mayor, aldermen and common councilmen for said city, and within three days after the said, or any subsequent election, (1844, Section 7.) Three Inspectors appointed to hold elections for each ward. Certificate of election.

Oath of person elected not to contract, &c., with city.

each person who shall be elected shall take the following oath :—I do solemnly swear or affirm that I will truly and faithfully execute the duties of mayor, alderman or common councilman (as the case may be) as prescribed in this Act, and that I will not during my continuance in office be directly or indirectly engaged in any contract with the corporation, or sell to or buy from it in any estate, interest, or matter whatever; and all contracts entered into in which any officer or member of the corporation other than for efficient members, either directly or indirectly, shall be void.

(1840, Section 10.)

Contracts to be void.

(1844, Section 8.)

Notice of election given by mayor

§ 10. *Be it further enacted,* That the mayor for the time being shall give ten days' public notice, by advertising in some public newspaper printed in the said city of Mobile, or by posting up such notice in two or more of the most public places within said city, of the time and place of holding said elections, which elections must be holden in the several wards of the said city, and the said inspectors or judges shall have full power and authority to keep order at the place of holding said elections, and to commit to the jail of the county, for a time not exceeding forty-eight hours, any person who shall attempt to make, or make, any disturbance at the place of holding the said elections, so as to interfere with the peaceable and orderly conducting of said elections, and the sheriff of the county of Mobile, the city marshal, and the police constable appointed by the city of Mobile, are hereby commanded to obey and carry into execution, all process issued by the said judges or inspectors as aforesaid, in pursuance of this Act, and if there should be an equal number of votes between any two or more persons who shall have been voted for at said election, and the choice of mayor, aldermen or common councilmen, or any or either of them is prevented thereby, the said judges or inspectors shall declare the fact, and shall issue notice in the same manner and form as is required by this Act for the regular election, for a new election to fill the vacancy occasioned by those having an equal number of votes.

(1824, Section 4.)

Inspectors have power to keep peace.

Duty of sheriff and the city police.

(1844, Section 9.)

§ 11. *Be it further enacted,* That the polls for said elec-

tion of mayor, aldermen and common councilmen, shall be kept open from eight o'clock in the morning until four o'clock in the evening, and no longer, for the reception of ballots; and on closing the polls the judges shall proceed immediately, and in a public manner, to count the ballots, and when the certificate of the said judges or inspectors shall be filed as aforesaid, the clerk shall immediately give to each person a certificate of his having been duly elected.

Polls to be kept open from eight to four.

When certificate filed with clerk, he shall give one to each person elected.

§ 12. *Be it further enacted*, That if any municipal election shall be contested in the city of Mobile, it shall be before the judge of the circuit court of the Mobile district, or judge of the city court of Mobile. Testimony may be taken by a justice of the peace or before a commissioner appointed by the judge trying the cause for that purpose, or may cause the witnesses to come before him and depose in the case.

(1852, Section 1.)

How municipal election contested.

How testimony may be taken.

§ 13. *Be it further enacted*, That the ballots at the several polls or precincts in the city of Mobile shall be carefully sealed up without examination after said election, and shall be by the managers deposited with the sheriff of said county, who shall preserve the same for fifteen days; and then, if there be no contest, said sheriff shall cause the same to be burned in his presence, but in the event of a contest, they shall be delivered to the judge trying the same.

(1852, Section 2.)

Ballots at all elections sealed up and deposited with sheriff.

§ 14. *Be it further enacted*, That the party contesting shall give notice of said contest to the sheriff and judge before whom he wishes said contest tried and the person or persons whose election are so contested, within fifteen days next succeeding said election.

(1852, Section 3.)

Notice of contest shall be given to sheriff within fifteen days.

§ 15. *Be it further enacted*, That when testimony is taken under this Act, the opposite party shall have two days' previous notice of time and place, and the party taking depositions shall receive fees as follows: to wit, For each hundred words ten cents, for each notice or certificate to the officer serving notices, or subpoenas, each fifty cents, to be paid by the party at whose instance the said service is performed.

(1852, Section 4.)

Notice to opposite party.

Fees for depositions, &c.

§ 16. *Be it further enacted*, That after said testimony is

(1852, Section 5.)

Trial and judgment.

completed, said judge trying the cause shall examine the poll list and ballots and pronounce judgment in the case according to the facts developed.

(1841, Section 6.)
Aldermen shall elect presiding officer. Shall meet once a week. (Ib., Sec. 7.) Council shall elect presiding officer. Shall meet once a week, but not on same day as aldermen. See § 30.
(1844, Section 11.)

§ 17. *Be it further enacted,* That the board of aldermen shall select one of their own body as a presiding officer ; it shall be the duty of said board to convene once in each week, and the board of common council shall elect one of their own body to preside over them, which board shall assemble weekly, (but not on the same day that the board of aldermen convene.)

§ 18. *Be it further enacted,* That the said boards of aldermen and common council shall severally be the judges of the election and qualification of their respective members, (except so far as restricted by §§ 12, 13, 14, 15, 16.)

(1844, Section 11.)

Who shall act as mayor when he is temporarily absent or sick.

§ 19. *Be it further enacted,* That in case of the sickness or temporary absence of the mayor from the city, the duties of his office shall be performed by the president of the board of common council, and in case of the absence, inability, or refusal of the latter to attend to the said duties, the same shall be performed by the president of the board of aldermen ; and in case of the death of the mayor, his resignation, or inability to discharge the duties of his office, or absence from the city for two consecutive months, without permission of both boards, his office shall be declared vacant by said boards, who, after giving ten days' public notice, shall proceed in joint convention to elect his successor.

When his office to be declared vacant.

Vacancy, how filled.

(1858, Section 5.)

Mayor shall be resident of the city.

§ 20. *Be it further enacted,* That no person residing out of the corporate limits of said city shall be eligible to the office of mayor of said city ; and if the mayor shall, after his election, remove his domicile out of the limits, he shall thereby forfeit and vacate his office.

(1844, Section 12.)
If aldermen or councilmen shall die, resign, &c., or remove out of their ward, office shall be declared vacant.

§ 21. *Be it further enacted,* That in case any member of either of the boards of aldermen or common council shall die, resign, be unable to discharge the duties of his or their office or offices, or be absent from the city for two consecutive months without leave of the board of which he is a member, or if any alderman or aldermen, shall, after

his or their election, remove from the ward for which he or they were elected, the seat of any such member or members of either of said boards shall be declared vacant, and the said vacancy filled by the board in which it occurs, of which ten days' public notice shall be given.

Vacancy,
how filled.

§ 22. *Be it further enacted*, That the said mayor, aldermen, and common council shall have full power to elect or appoint, in a convention to consist of a mayor and the said two boards, all officers and agents which may be deemed necessary for the purpose of said corporation, and the compensation, duties, and security for the faithful performance of the duties of said officers and agents, shall be fixed by the said mayor, aldermen and common council, and the said officers and agents may be removed and displaced at the pleasure of said convention, and the compensation of such officers and agents shall cease from the time of such displacement or removal.

(1844, Section 13.)

Convention may appoint all officers and agents.

Compensation, duties, and security may be fixed

May be removed.

Compensation shall cease.

§ 23. *Be it further enacted*, That the terms of office of all officers of said city annually elected shall commence on the first day of January of each year, and continue one year, and until their successors shall be duly elected and qualified.

(1858, Section 6.)

Terms of office, where annually elected.

§ 24. *Be it further enacted*, That the treasurer for the time being, shall perform the duties of clerk of the common council.

(1841, Section 6.)

Treasurer shall be clerk of council.

§ 25. *Be it further enacted*, That from and after the first Monday of March, 1853, there shall be but one person elected tax assessor in and for the city of Mobile, and that the person who shall be so elected at any time, shall hold his office for the term of three years, from the date of his said election, except when a vacancy shall occur in the said office of assessor by death, resignation, or removal, in which event, an assessor shall be elected, who shall hold his office from the date of his election to fill such vacancies until the first Monday of March next succeeding, and for the term of three years from and after the said next succeeding first Monday of March, that said assessor shall be elected by the mayor, aldermen, and common council of said city on the first Monday of March, 1853, and thereafter on the

(1852, Section 8.)

Tax assessor elected

For three years.

Vacancy,

How filled.

same day, as necessary to fill a regular term of said office of assessor, and in case of a vacancy as aforesaid, the said election shall be had as soon as possible after the said vacancy shall occur. That said assessor shall hold his office in the municipal buildings of said city, devote his entire time and attention to the duties appertaining to his said office of assessor, and that the books and papers relating to his said office, shall at all proper times be kept open to public inspection. That once in each year, under such regulations, and in such periods of time as the said corporate authorities may from time to time ordain and appoint, the said assessor shall make an assessment of all the property in said city liable to be assessed, and that for the performance of the duties of his said office, the said assessor shall be compensated in such manner, and to such an extent, as the said corporate authorities may from time to time ordain and establish, but in no case to be changed during the official term of any assessor.

§ 26. *And be it further enacted,* That from time to time hereafter, there shall be elected for said city, some competent person who shall act as surveyor or civil engineer, in and for said city, who shall be styled city surveyor, and who shall hold his office for the term of three years, from the date of his election, and no longer; keep the same in the municipal buildings, together with all surveys, field notes, maps, charts, diagrams, &c., and all papers, &c., memoranda relating to his said office of city surveyor, or which may be necessary or proper for a perfect understanding of his acts in his said office, all of which shall be entered by him in suitable books, to be provided by and to be the property of the city, which books shall be at all times open to public inspection, under such regulations as the corporate authorities shall from time to time prescribe. The foregoing duties to be additional to those required under existing laws and ordinances, for all of which said city surveyor shall receive such annual or other compensation not to be changed during his official term, as the corporate authorities shall allow—that for the purpose of carrying out the provisions of this Act, the mayor, aldermen and common

Shall hold his office in municipal buildings.

Books, &c., kept open.

Shall make assessment of all property.

Compensation.

(1852. Section 4.)

City surveyor elected

For three years.

Keep his office in the municipal buildings, and his papers, maps, charts, surveys, field notes, diagrams.

Books open to public.

Compensation.

councilmen of said city in joint assembly convened, shall on the first Monday of March, 1853, and from time to time thereafter as often as a vacancy in said office may occur proceed to elect said city surveyor.

Vacancy.

§ 27. *And be it further enacted,* That the assessor and collector of taxes of said city, to be hereafter elected, shall be freeholders within the corporate limits of said city.

(1848. Section 7.)
Assessor and collector shall be freeholders in the city. (Code. Section 853.)

§ 28. Inspectors may be appointed, their duties prescribed, their fees fixed, and inspection regulations adopted by the city authorities of Mobile for inspection of staves, tobacco, pitch, tar, turpentine, rosin, fish, flour, and oil, within the limits of the city, but all inspection regulations so adopted, before they are of any force or effect, must be approved by the governor of the State, and published for three successive months in two papers at Mobile, and one at the seat of government.

Inspectors of staves, tobacco, pitch, tar, turpentine, rosin, fish, flour, oil, may be appointed.

Regulations of to be approved by governor; but see § 21 as to fish and flour, and § 29 as to oil.

§ 29. *And be it further enacted,* That the mayor, aldermen and common council of the city of Mobile, are hereby authorized and empowered to appoint inspectors of salt and oil for the said city of Mobile.

(1833. Section 4.)
Corporate authorities of Mobile to appoint inspectors of salt and oil.

§ 30. *Be it further enacted,* That the boards of aldermen and common council respectively, shall have power to hold and to adjourn their meetings from time to time, unless sooner called together by a written notice from the mayor, designating the time and place of holding such meetings. They shall each keep a journal of their proceedings, and shall enter the yeas and nays on any question, resolve, or ordinance, at the request of any member, and their deliberations shall be public.

(1844. Section 14.)

Meetings of boards, how regulated.

May be called by mayor.

Keep journal

§ 31. *Be it further enacted,* That the said mayor, aldermen and common council shall have full power and authority to pass all by-laws and ordinances to regulate the stationary anchorage and moorings of vessels within their jurisdiction,

(1844. Section 15.)
Authority to regulate mooring, &c. of vessels.

To prevent and remove nuisances,

Prevent and remove nuisances.

And to prevent the introduction of contagious or infectious diseases within the said city, by regulating the approach of vessels having sick on board, and the landing the sick, or of articles calculated to produce disease, and by providing

Prevent introduction of disease, how

one or more places for the reception of the sick, or by any other lawful means whatsoever ;

Night-watches and patrols.

To establish night-watches and patrols,

Erect lamps.

And to erect lamps ;

License, &c.

To provide for licensing and regulating retailers of liquors

retailers,

and regulate

within the limits of said corporation, and to fix the sum

License and regulate

hacks, carriages,

wagons, carts,

drays, and

pawnbrokers

To prevent

gambling.

License and regulate the-

atrical and

public

amusements

Regulate,

&c. markets.

Rent stalls.

Two public

stalls.

To prohibit

the sale of

meat, poultry,

fish, or

game, ex-

cept at the

market.

To erect and

repair bridge-

es.

To keep in

repair

streets, ave-

nuces, drains

and sewers,

&c.

To license

chimney-

sweepers &c

To establish

and regulate

fire wards

and fire com-

panies.

To sink

wells and

erect and re-

pair pumps

in streets.

To impose

and appro-

priate fines,

penalties,

and forfei-

tures, for

breach of

by-laws and

ordinances.

To prevent

and extin-

guish fires.

To pull down

or remove

erections.

To erect and

establish

hospitals,

pest houses,

work houses,

houses of

correction,

penitentiary.

to be paid for the same, and annulling the same on good and sufficient complaint being made against any person holding such license ;

For the regulating hackney coaches, carriages, wagons, carts and drays, and for licensing the same ;

And for the regulating of pawnbrokers within the said city ;

To restrain or prohibit gambling,

And to provide for licensing and regulating theatrical and other public amusements within the city,

To establish and regulate markets, and to rent out the stalls in the same, saving and reserving however at least two stalls in each and every market for the use of country people who may attend the same with marketable supplies, and to prohibit the selling of meats, poultry, fish or game, except at the public market or markets,

To erect and repair bridges, to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same ;

To provide for the licensing of chimney-sweepers, and regulating the sweeping of chimneys and fixing the rates thereof,

To establish and regulate fire wards and fire companies ;

To sink wells and erect and repair pumps in the streets,

To impose and appropriate fines, penalties and forfeitures for the breach of their ordinances or by-laws ;

To enact by-laws for the prevention and extinguishment of fires, and if necessary to remove or pull down buildings or fences for the prevention of the spreading of the same,

To erect or establish hospitals or pest houses, work houses, houses of correction, penitentiary or other buildings for the use of the city, or to join with the county of Mobile in the erection of the same, and to have a joint control over the

same with the public authorities of the county, and to levy and collect taxes, as prescribed by this Act, for defraying the expenses thereof, and all other necessary purposes,

To regulate party and other fences, and to determine by whom the same shall be made and kept in repair;

To restrain and prohibit the nightly and other meetings or disorderly assemblies of slaves, free negroes and mulattoes, to punish such slaves by whipping not exceeding twenty stripes, and to punish such free negroes and mulattoes, and other persons for such offenses by affixing penalties not exceeding fifty dollars for any one offense, and in case of the inability of any such free negro, mulatto, or other person to pay and satisfy any such fine or penalty, and the costs thereon, to have such free negro, mulatto, or other person to be confined to labor for such reasonable time not exceeding three calendar months for any one offense, as may be deemed equivalent to such penalty and costs, which said labor shall be such as shall be designated by said mayor, aldermen and common council, for the general benefit of said city,

To cause all vagrants, idle or disorderly persons, all persons of evil life or ill-fame, and all such as have no visible means of support, or as likely to become chargeable to the city as paupers, or are found begging or drunk in or about the streets, or loitering in or about tipping houses, or who can show no reasonable cause of employment or business in the city, all who have no fixed place of residence or cannot give a good account of themselves, all who are grossly indecent in language or behavior publicly in the streets, and all public prostitutes, or such as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the city against any charge for their support, and in case of their inability or refusal to give such security, to cause them to be confined to labor for a limited time, not exceeding four calendar months, unless such security shall sooner be given, which said labor shall be designated by the said mayor, aldermen and common council for the general benefit of the said city, and that the labor so designated may be carried

To levy and collect taxes therefor, and for all other purposes.
 To regulate party and other fences, &c.
 To prevent nightly and other meetings and disorderly assemblages of slaves, free negroes, and mulattoes.
 How free negroes, mulattoes, and other persons may be punished.
 May be confined to labor
 How designated.
 To cause all vagrants, idle or disorderly persons, all of evil life or ill fame, or who have no visible means of support, or are likely to become paupers, or found begging or drunk in or about the streets, or loitering about tipping houses or show no reasonable course of business, or have no fixed place of residence, or cannot give a good account of themselves, or are grossly indecent in language or behavior, publicly in the streets, and all public prostitutes, or of lewd or lascivious course of life, to give security.
 If unable to give security, to be confined to labor not exceeding 4 months

How labor designated and performed. into effect, the said mayor, aldermen and common council shall have power to appoint a person or persons to take those so confined and sentenced to labor, from their place of confinement to the place appointed for their working, and watch them while at labor, and return them before sundown to the place of confinement, and if they shall be found afterwards offending, such security may again be required, and for want thereof, the like proceeding may again be had from time to time as often as may be necessary ;

Repetition of offense to be dealt with as before.

To levy taxes on all slaves brought to the city for sale.

To establish and regulate all burying grounds.

To regulate weights and measures.

To appoint inspectors of lumber, fire-wood, flour, beef, pork, fish, and other salt provisions.

To pass all such resolutions, by-laws, and ordinances, as may be necessary.

(1858. Section 4.)

To establish and open ferries across Mobile river.

To establish and keep open sidewalks, drains and sewers.

How opened &c. Damages to be assessed.

(1844. Section 16.)

Mayor and each of the aldermen and councilmen conservators of the peace.

To levy taxes on all slaves brought to the city for sale by any merchant, trader or dealer ;

To take care of, remove, preserve, designate and regulate all burying grounds within the city ;

To regulate weights and measures, appoint inspectors of lumber, fire wood, flour, beef, pork, fish, and all other salt provisions whatsoever ;

And to pass all such resolutions, by-laws and ordinances as they, or a majority of them, may deem requisite and necessary for the good government of the said city, not contrary to the laws of the State of Alabama.

§ 32. *Be it further enacted,* That the said mayor, aldermen and common council shall have full power and authority to establish ferries across the river Mobile, within the limits of said city, and regulate the rates of ferriage, to establish and keep open all sidewalks, drains and sewers, which they may deem necessary for the convenience or health of the citizens, paying the owners of lands injured thereby such damages as they may sustain thereby, to be assessed and ascertained in the manner provided by law in case of streets being opened over private property.

§ 33. *Be it further enacted,* That the mayor and each of the aldermen, and each member of the board of common council, shall be conservators of the peace in and for the city of Mobile, and shall have power to examine and commit or discharge on bail all persons charged with offenses not capital, in the same manner as justices of the peace, but shall exercise no other judicial functions whatever, and shall not receive any fees or perquisites ; and the

mayor shall have authority concurrent with a justice of the peace to arrest and commit to prison deserting seamen and mariners from vessels in the merchants' service under the provisions of an Act passed at the fifth annual session of the general assembly, entitled "An Act in relation to seamen belonging to vessels in the merchants' service."*
Mayor's authority as to seamen.

* § 868.—If any person who has made an engagement to perform a voyage in any ship, or Code. vessel, at any port or place in this State, deserts, or absents himself from such ship, or vessel, without the leave of the master, or officer commanding in the absence of the master, any justice of the peace, upon complaint thereof being made under oath, must issue his warrant, to apprehend such seaman and bring him before himself, or some other justice, and if it appears that he has made an engagement to perform a voyage, that such voyage has not terminated, that such seaman has deserted, or absented himself without leave, the justice must commit him to the common jail of the county, there to remain until such ship, or vessel, is ready to proceed on her voyage, or until the master requires his discharge, the master paying the jail fees for each week in advance.

§ 869.—If any person knowingly conceals, or harbors, any person belonging to any ship or vessel, he forfeits ten dollars a day, for each day he so harbors or conceals such person to the use of any person suing for the same.

§ 870.—The justice issuing the warrant is entitled to fifty cents, and for hearing the testimony, and other necessary orders, to one dollar, and the sheriff, or constable, apprehending such person on such warrant, to three dollars, in each case to be paid by the master.

§ 871.—Any master of any vessel, who within this State ships, hires, or receives, any person belonging to any other vessel, without a discharge in writing signed by the master of such vessel, forfeits fifty dollars, one half to the person suing for the same, the other to the use of the county in which such suit is brought.

§ 1045.—The master or consignee of any vessel, coming into any port in this State, having on board any free person of color, as cook, steward, or mariner, must, within three days thereafter, furnish the mayor, or intendant of the place, a list of the free persons of color on board such vessel, and enter into bond, payable to the State of Alabama, in such sum, not less than two thousand dollars, and with such security as the mayor, or intendant may prescribe, which must be filed in his office, and upon a breach thereof, judgment may be rendered by motion of the solicitor of the circuit, in the circuit court of the county, or in the city court of Mobile, ten days' notice thereof being given, for the penalty of such bond.

§ 1046.—The condition of the bond is, that such free colored persons shall remain on board the vessel, and not leave the same during the stay of the vessel in the waters of this State, and upon its departure, that such free colored persons will depart with the vessel; that such vessel, with such persons on board, shall not come within three miles of the town or city attached to the port, nor within one mile of the shore, except in passing out of the bay of Mobile, and that, during the stay of such vessel, no communication will be permitted between the free colored persons on board the vessel and slaves, or free persons of color within the State.

§ 1047.—If any such free persons of color are dangerously ill, they may be conveyed to any hospital of the United States; or if there be none, to a private hospital, and as soon as discharged therefrom, must return to the vessel.

§ 1048.—If within three days after the arrival of a vessel within the waters of this State, the list of such free colored persons, and the bond required by this article is not made, and delivered as herein provided for, the sheriff of the county must apprehend all such free persons of color, and lodge them in jail, where they must be kept until the vessel is ready to proceed to sea; and it is the duty of the harbor master to give information to the sheriff of the arrival of any vessel containing such free persons of color.

§ 1049.—It is the duty of the master of such vessel, when ready for sea, to take such free persons of color with him, and carry them beyond the limits of this State, paying the expenses of their arrest and detention; and upon failure to do so, he is guilty of a misdemeanor, and must be fined in a sum not exceeding one thousand dollars, and may, in the discretion of the jury, be imprisoned, not exceeding six months.

§ 1050.—If such free persons of color are not carried away by the master of the vessel

(1844, Section 17.)
Mayor to see laws executed.

Hold court each day.

Shall report negligence, &c., of officers.

Shall lay alterations of laws before the boards, and suggestions.

(Dec. 8, 1853, Section 3.)

Salary, when fixed.

§ 34. *Be it further enacted*, That it shall be the duty of the mayor to see that the laws of this corporation be duly executed, and he shall hold a court once in each day of the week (Sundays excepted) for the trial of all offenders against its laws and ordinances ; he shall report the negligence or misconduct of any officer to the boards of aldermen and common council ; he shall lay before said boards from time to time in writing such alterations in the laws of the corporation or measures for its good government or interest as he may deem necessary and proper ; and he shall receive such salary, not less than two thousand nor more than four thousand dollars annually, which salary shall be fixed by the two boards as soon as practicable after the municipal election held for said city in December of each and every year.

1841.

In case of invasion or insurrection, mayor shall call out volunteer force.

§ 35. *Be it further enacted*, That in case of invasion or insurrection, or when the peace and security of the city may require it in the opinion of the mayor, he shall have power and is hereby required to call out the volunteer companies of the city in its defense.

(1844, Section 37.)

Mayor shall appoint watchmen. See § 37.

§ 36. *And be it further enacted*, That the mayor shall from time to time appoint such a number of watchmen to guard and protect the city as may be designated by the boards of aldermen and common council, and the watchmen so appointed shall be subject to his control in the discharge of their duties, and may at any time be removed by him for any misconduct or neglect of duty.

How removed.

(1858, Section 3.)

Meaning of watchmen in last section.

May be removed by boards.

§ 37. *Be it further enacted*, That the word watchmen, as used in section thirty-seven of said Act (last section) shall be deemed and taken to mean and include all policemen, and officers connected with the police force of said city, and they shall be appointed by the mayor, but may at any time be removed from office by a joint vote of two-thirds of

bringing them into this State, they must, after the departure of the vessel, be discharged from jail, and warned to leave the State ; the expenses of their arrest and detention to be paid by the county.

§ 1051.—If they do not depart within ten days after being discharged, or if, having left, they return to the State, they must on conviction, be punished by confinement in the penitentiary not less than two, nor more than five years.

§ 1052.—Fees to the sheriff, three dollars for each free colored person apprehended.

§ 1053.—To the mayor one dollar, for taking and filing of bond, and list of sailors.

§ 1054.—To the jailor same fees as allowed by law for sustenance of prisoners.

the two boards of aldermen and common council, assembled in joint convention.

§ 38. *Be it further enacted*, That all ordinances and resolutions may originate in either board, but shall be passed by a majority of a quorum of each; a quorum for the transaction of business shall consist of not less than a majority of each board; every ordinance which shall have been passed by both boards 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 shall return it with his objections to the board from whence it emanated, and at its next regular meeting, in case of his non-approval or failure to return as aforesaid, a vote of two-thirds of each board shall make it a law.

(1844, Section 18.)

Ordinances and resolutions, how originated and how passed.

Mayor to approve or veto.

How acted on when vetoed.

§ 39. *Be it further enacted*, That the said mayor, aldermen and common council shall have power to lay taxes on both the personal and real estate within said city, as well as a poll tax upon all the inhabitants. That the mayor, aldermen and common council of the city of Mobile be, and they are hereby authorized and empowered, by a resolution of each board approved by the mayor, to levy and collect a tax of ten cents on each one hundred dollars worth of taxable property in the city of Mobile, in addition to the forty cents now authorized to be collected by law, which tax of ten cents aforesaid shall be applied to the liquidation and payment of the debts other than bond debts and coupons that may be due by the city of Mobile at the time of the passage of this Act, until the same are paid, and the said tax of ten cents shall be levied and collected for four years only, including the present year. A separate account of said tax of ten cents shall be kept, and there shall be published each year, a statement of the fund arising therefrom, together with debts to which the same has been applied, and if in any one year, the money arising from said extra tax shall be in any manner or degree applied to any other purpose than is herein provided, the said mayor, aldermen and common council shall not thereafter have the power, any longer to levy or collect said tax. *Provided*,

(1844, Section 19.)

City may levy taxes.

(1858, Section 2.)

May levy special tax of ten cents for four years.

That the said tax upon the personal and real estate be laid in pursuance of an assessment and valuation of the said personal and real estate to be made by some discreet person or persons thereto appointed as assessor or assessors by the said corporation, which tax shall be laid in the manner following, the said assessment or valuation when completed, containing all the property as well as the names of the owners thereof, shall be lodged with the clerk of the corporation, and the mayor, aldermen and common council shall assess so many cents on the dollar, making no distinction as to any persons, and which assessment or valuation, together with the names of the persons liable to taxation, with the tax laid thereon, shall be open for inspection to all and every person interested therein, and the said mayor, aldermen and common council shall give ten days' public notice in some public newspaper printed within the limits of the city of Mobile, that the said assessment or valuation, together with the tax laid thereon, is ready for inspection, and if any person shall be dissatisfied with said assessment or valuation or tax laid thereon, he shall give notice to the mayor, aldermen and common council to alter said assessment or valuation, together with the tax assessed thereon, as to them shall seem meet, (witnesses shall be heard on oath to affix a proper valuation) but their decision shall be final as to all questions or objections that may be brought before them in reference to the said assessment or valuation, and the tax assessed thereon as aforesaid, and after twenty days have elapsed from giving the notice that the said valuation or assessment together with the tax assessed thereon as aforesaid, are ready for public inspection, the said mayor shall issue his warrant annexed to the tax list to the collector of the corporation, containing a description of the real estate taxed, together with its valuation and the taxes assessed thereon, and also the amount of the personal property valued or assessed to each person, together with the tax assessed thereon, and the name of each person liable to a poll tax and the amount of such poll tax laid.

Assessment

By assessor.

How made.

Assessment to be open to public.

Notice to be given.

Objections.

(1852, Section 11.)

Witnesses to be heard.

Mayor's warrant.

(1844, Section 20.)

§ 40. *Be it further enacted*, That the taxes on real and personal property, and all other taxes and dues assessed in

the manner aforesaid and the several assessments, shall have the force and effect of a judgment at law against the individual assessed with the same. It shall be the duty of the tax collector, after giving thirty days' notice in some public newspaper printed in the city of Mobile, that the city taxes (or the particular tax or due as the case may be) are required to be paid to him on or before a certain day specified, if the same shall not be paid, to levy on the personal estate of the individual or corporation assessed, and to sell the same, or so much thereof as shall be sufficient to pay the tax assessed, and one dollar to the tax collector for making the levy and sale, and the sale shall be advertised for the space of ten days at the mayor's office.

Assessment shall have the effect of a judgment.

Tax collector's duty when taxes are not paid.

Shall levy and sell.

§ 41. *Be it further enacted*, That the tax law of the city of Mobile be and the same is so amended that the tax collector may sell real or personal property for taxes without the necessity of exhausting the personal property before selling real estate as required by law, either for city or special taxes of any kind, and the fees to the collector for every such sale shall be the same as those specified in section 22 under the Act of 1844 (this Act.)

(1852, Section 10, page 6.)

Collector may sell before exhausting personal property.

§ 42. *Be it further enacted, Provided*, That no prosecution, suit, or claim whatever pending or to be brought under existing laws, shall in any manner be effected, impaired or altered by the passage of this Act.

(1852, Section 12.)

No proceeding, &c., to be effected by this Act, that is now existing.

§ 43. *Be it further enacted*, That if any real estate shall be assessed to unknown owners or to persons who are known, and the taxes or dues assessed on them shall not be paid and cannot be collected by a levy and sale of personal estate by the means provided by the foregoing section (§ 40) within sixty days from the time when the said taxes or dues are required to be paid, then the tax collector shall give notice in some newspaper printed in the city of Mobile, or by a printed sheet circulated therewith, and also kept for public inspection at the mayor's office, as shall be deemed most expedient and least expensive to the city, of the lots and real estate on which the taxes are unpaid, (describing the same by such numbers and abbreviations as will indi-

(1844, Section 21.)

Tax on property of unknown owners, how collected.

cate the lot to be sold) and that he will at a certain time and place named in the advertisement proceed to sell such of the lots and lands, upon which the taxes and dues shall not be paid, or so much thereof as shall be sufficient to pay the same, and on the day appointed, or on such day as he may adjourn the sale, the tax collector shall proceed to sell any lot on which the taxes and dues shall not be paid, or so much thereof as will satisfy the tax and one dollar as a fee for the advertisement and sale and a certificate thereof.

(1844. Section 22.)

Form of certificate of sale for taxes.

§ 44. *Be it further enacted*, That the tax collector shall give to the purchaser at such sale, a certificate to the following effect: "I, ———, tax collector of the city of Mobile, do hereby certify, that the city taxes for the year 18—, (or the particular tax or assessment, as the case may be) being due and unpaid on a lot of land in the said city, bounded and described as follows, (here shall be inserted a description of the lot by metes and bounds,) I have this day sold the same (or such undivided fractional part as he may sell,) to ———, who has paid the taxes thereon, amounting to ——— dollars, including my fee of one dollar for the said sale, advertising, and this certificate, and by virtue of the authority to me given by law, I authorize the said ———, and his assigns to hold the said premises until the same shall be redeemed according to law. Witness my hand and seal of the corporation, this ——— day of ———, 18—." And the mayor shall cause the seal of the city to be affixed to the said certificate. The tax collector is hereby empowered, and it shall be his duty to put the purchaser in possession of the premises sold to him, within thirty days after the sealing of the certificate, which shall be evidence of a right to possess the premises therein specified, and to retain the possession until the same shall be redeemed in the manner hereinafter provided.

Collector shall put purchaser in possession.

(1844. Section 23.)

Clerk shall keep record of certificate.

§ 45. *Be it further enacted*, That it shall be the duty of the mayor to cause the clerk of the corporation, or such other person as may be charged with the duties, to record each of the said certificates in a well-bound book to be kept for that purpose, before he shall permit the seal of the

city to be affixed, and no other fees or charges shall be received for advertising said certificate, seal and record, than is prescribed by this Act.

§ 46. *Be it further enacted*, That any lot thus sold may be redeemed within twelve months from the day of sale, by any person claiming title, who will deposit with the treasurer of the city of Mobile, for the use of the purchaser, the amount of the loan and fees so paid, and twenty-five per cent. on the same; and thereupon the title created by the certificate aforesaid shall wholly cease and determine, and the purchaser and all others claiming under him shall relinquish the possession, and shall after notice of the said redemption be deemed unlawful and forcible detainers of said lot, and liable as such to any suit or action at the instance of any one entitled to the possession, and the said lot may in like manner be redeemed by any person claiming title at any time after twelve months and within five years from the time of sale, by paying into the office of the city treasurer, as before provided, the amount of the taxes, fees, and interest thereon, at the rate of twenty-five per cent. per annum from the day of sale, and on such payment being made the title created by the certificate shall cease and determine on the first day of November next after the said payment, and the purchaser and all others claiming under him shall relinquish the possession, and after notice of the said redemption shall be deemed unlawful and forcible detainers, and as such liable to any suit or action at the instance of any one entitled to the possession.

§ 47. *Be it further enacted*, That it shall be the duty of the treasurer of the city of Mobile to give any person who shall redeem any lot sold for taxes, a certificate to the following effect;—I, ———, treasurer of the city of Mobile, do hereby certify that ———, claiming title to a certain lot in the city of Mobile, known and described as follows, (here shall be a marked description of the lot by metes and bounds) has this day paid into my office for the use of the purchaser, the sum of ——— dollars, being the amount for which said lot was sold, the fees thereon, and twenty-five per cent. on the same, (or interest on the same at the

(1844, Section 24.)

How property sold for taxes may be redeemed.

How redeemed.

(1858, Section 1.)

Failing to deliver, to be held guilty of unlawful detainer.

(1844, Section 25.)

Form of certificate to be given by treasurer to person redeeming.

rate of twenty-five per cent. per annum, as the case may be) the said lot is therefore redeemed. Witness my hand and seal at the city of Mobile, this — day of —, 18—. And it shall be the duty of the mayor to cause the seal of the city to be affixed to the certificate, which shall be recorded in the same book as the certificates issued by the tax collector, and the treasurer shall be entitled to receive a fee of one dollar for the said certificate.

Clerk shall record.

(1844. Section 26.)

How tax titles may be perfected.

§ 48. *Be it further enacted*, That if the lot so sold shall not be redeemed within the period of five years from the day of sale, the purchaser, his heirs or assigns, may perfect the title to the lot purchased, by publishing the certificate issued by the tax collector for the term of three months in some newspaper printed in the city of Mobile, with the following notice subjoined;—“ All persons claiming interest in the above described lot are required to exhibit their claims by commencing suit against me in the circuit court of Mobile county, within six months from the date of this advertisement, or their claims will be forever barred.” And if no suit is commenced within the said term of six months, the title under the certificate shall be complete and perfect; and if suit is commenced within six months after the publication of such notice, no damages shall be recovered, nor shall a writ of possession issue in the event of a recovery, unless the plaintiff shall pay the taxes due on the same, the fees and interest, at the rate of twenty-five per cent. per annum on the same, and the cost of the advertisement, to be adjudged by the court, on the suggestion of the defendant. *Provided*, however, that no estate of any infant, feme covert, or insane person, shall be barred, if they commence their action within three years after the removal of their disability to sue.

(1844. Section 27.) Certificate is conclusive evidence. Act remedial.

§ 49. *Be it further enacted*, That the certificates aforesaid shall be conclusive evidence of the regularity of all previous proceedings, and this Act shall be construed as a remedial act.

(1844. Section 28.) Collector shall be charged with all the assessment.

§ 50. *Be it further enacted*, That the tax collector shall be charged with and accountable for the whole amount of the assessed taxes for each year, and he shall only discharge

himself from such accountability by showing an account of the entire insolvency of the persons assessed, and by showing that the amount of his account cannot be collected by the exercise of the means given by the foregoing sections.

How relieved.

§ 51. *Be it further enacted*, That such part or portion of the assessed taxes as cannot be collected by the means before stated, shall continue a lien on the property assessed until paid, and the tax collector shall be authorized from time to time to offer and expose to sale under the foregoing provisions, such lots as shall not have the tax paid thereon, and the same certificates shall be given in cases of any subsequent sale, and similar proceedings shall be had thereon.

(1844, Section 29.)

Taxes not collected shall remain a lien.

§ 52. *Be it further enacted*, That if any purchaser of a lot under a sale by a tax collector, shall fail or omit to pay any subsequent tax or assessment, he shall forfeit all right under his certificate, and shall be bound to relinquish the possession ; and if the said lot shall be subsequently sold for taxes, the person so holding under the first sale shall, after notice, be deemed guilty of unlawful and forcible detainer, and shall be liable to any suit or action, at the instance of any person entitled to its possession.

(1844, Section 30.)

Purchaser at tax sale, failing to pay taxes, shall forfeit his right, and relinquish the property. Failing to do so shall be guilty of unlawful detainer.

§ 53. *Be it further enacted*, That the amount of taxes to be levied and collected under the provisions of this Act, shall at no time exceed the sum of forty cents on each one hundred dollars of the value of the property assessed.

(1844, Section 33.)

Taxes shall not exceed forty cents on the \$100.

§ 54. *Be it further enacted*, That all and every purchaser or purchasers of lands or interest in lands, conveyed by the corporate authorities of the city of Mobile, for the security of certain debts, by indenture, bearing date, the sixteenth day of May, A. D. eighteen hundred and forty, and recorded in the office of the clerk of the county court of Mobile, book No. 1, pages 284 to 291, inclusive, and his or their heirs and assigns, shall take and hold the same, with full power to alien and dispose of the same, freed and discharged of, and from all claim that the State of Alabama now have, or may acquire, by reason of the alienage of such purchaser or purchasers, his or their heirs or assigns.

(Feb. 11th, 1843, Section 1.)

Rights vested in certain purchasers.

See appendix.

§ 55. *Be it further enacted*, That the mayor, alder-

(1843, Section 2.)

Obligations
of city may
be issued.

men, and common council of the city of Mobile, may, for the payment of the debt now due and owing by said city, issue the obligations of said city, under its corporate seal, in sums not less than \$100 each, bearing interest at the rate of five per centum per annum, and redeemable in twenty years after the date thereof, or at any earlier period, at the discretion of said corporate authorities.

(1843, Sec-
tion 3.)

Annual fund
to be raised
for security
of creditors.

§ 56. *Be it further enacted*, That for the better security of the holders of the obligations provided by this Act, and for the ultimate payment of the same, a fund of not less than ten thousand dollars, to be called the annual fund, and to be annually applied as hereinafter provided, shall be created and maintained by the corporate authorities of said city, for which purpose, and for the annual payment of the interest on the obligations provided for by this Act, the taxes accruing from the assessments by the said corporate authorities, on the real estate within the said city, shall be, and are hereby pledged and appropriated, and said assessments on real estate shall not be reduced below a rate sufficient to produce the annual interest, and the annual fund of ten thousand dollars, so long as the obligations of said city, issued in pursuance of this Act, or any portion thereof shall remain unpaid : *Provided*, the power to tax real estate in said city, shall not exceed the present rates of taxation.

(1843, Sec-
tion 4.)

Duty of city
tax collector

§ 57. *Be it further enacted*, That it shall be the duty of the collector of taxes of the said city, for the time being to pay over, from time to time, as the taxes aforesaid may be collected, to the Alabama Life Insurance and Trust Company, so much of the said taxes, as may be sufficient to pay the interest due on said obligations, according to their tenor and effect ; and also the said annual fund of ten thousand dollars, to be applied to the payment of the principal sum due on said obligations ; and it shall be the duty of the said Alabama Life Insurance and Trust Company, with the consent of said company, or in some other suitable place of deposit, to be selected by the mayor, aldermen and common council of Mobile, in case said company shall refuse to receive it, to accept the taxes so paid

Duty of
Alabama
Life Insur-
ance and
Trust Com-
pany.

over in trust for, and to be by them applied to the uses and purposes of this Act ; and after paying the interest due on said obligations, the said company shall apply the annual fund of ten thousand dollars, annually, to the payment in full of said obligations, according to the numerical succession, that is, paying the obligation *numbered one first, and so on*, until the whole shall be paid in regular numerical succession.

§ 58. *Be it further enacted*, That the corporate authorities aforesaid, shall have power to levy and assess a tax not exceeding one and one-half per centum on the amount of all auction sales made within the said city, except sales under judicial proceedings ; guardians', executors', and administrators' sales, and sales of property under the provisions of deeds for the security or payment of debt. (1843, Section 6.)
May levy tax.

§ 59. *Be it further enacted*, That the corporate authorities aforesaid shall have power to assess and collect a tax, not exceeding twenty cents upon every hundred dollars of property sold upon the wharves of the city of Mobile, or on ship-board, or otherwise, before the same shall be stored : *Provided*, this section shall not be construed to allow any assessment on cotton, or other staple production, imported into said city from the interior of the State of Alabama or Mississippi. (1843, Section 8.)
Tax may be collected.

§ 60. *Be it further enacted*, That the corporate authorities of the city of Mobile, after the passage of this Act, shall not be permitted to purchase real estate, or borrow money, or create any new debt for purposes of profit, or improvement, without a concurrence of the mayor and boards of aldermen and common council at their regular meetings, upon a full attendance of all the members of both boards, at a time when there shall be no vacancy in either, and none dissenting to the Act, which facts shall all appear on the minutes of the corporation, and any contract made in violation of this Act shall be wholly null and void, incapable of being ratified or confirmed except in the manner hereinbefore specified. (1843, Section 9.)
Terms on which real estate may be sold.)

§ 61. *Be it further enacted*, That the corporate authorities aforesaid, shall have authority to assess a tax on any (1843, Section 10.)

Tax on public exhibitions.

public balls, shows, exhibitions, theatrical entertainments, billiard-tables, nine-pin alleys, ten-pin alleys, bowling-alleys, and any and every other public game, or public place of amusement, and the amount of taxes provided for by this section shall be fixed and determined by the mayor and the presiding officers of the boards of aldermen and common council as hereinbefore provided.

(1843, Section 11.)

Surplus of each year to be paid to Alabama Life Insurance and Trust Company.

§ 62. *Be it further enacted*, That at the close of each municipal year, if any surplus exceeding the sum of five thousand dollars shall remain in the treasury of said city, after defraying the necessary expenses thereof, the same shall be paid over by the mayor of said city, by his warrant on the treasury of said city, countersigned by the presiding officers of the boards of aldermen and common council, to the said Alabama Life Insurance and Trust Company or other depository selected as aforesaid, to be by them held and applied in the same manner, as is hereinbefore provided for the application of the annual fund, that is to say, to the payment in full of the obligations issued in pursuance of this Act, in numerical succession.

(1843, Section 12.)

Remedy against corporation for default.

§ 63. *Be it further enacted*, That in case of the default of the corporate authorities aforesaid, in any of the duties prescribed by this Act, the court of chancery for Mobile county, or any court having chancery jurisdiction within the county aforesaid, shall be open to all and every of the holders of the obligations issued in pursuance of this Act; and full powers are hereby given to said court, to enforce the specific performance of the provisions of this Act, and the said court shall have full power to appoint another depository of funds provided for by this Act, whenever it shall be made to appear upon the application of the corporate authorities of the city of Mobile, or of any holder of bond or bonds, provided for by this Act, that the said Alabama Life Insurance and Trust Company, or other depository is no longer a proper depository of the said funds.

(1843, Section 13.)

Prohibitions after 1st November, 1843

§ 64. *Be it further enacted*, That from and after the first day of November, A.D., one thousand eight hundred and forty-three, and after the issuing of the obligations provided for by this Act, it shall not be lawful for the cor-

porate authority aforesaid to issue in any assignable form whatsoever, any bonds, promises to pay, or city orders, or any form whatsoever of promises to pay, transferable from hand to hand, nor to enter into any contract for the payment of money, unless the means for the payment of the money so contracted to be paid, shall be specifically provided at the time of making such contract.

§ 65. *Be it further enacted,* That full power and authority is hereby given to the corporate authorities aforesaid to establish such rules and regulations for the collections of the dues, taxes and revenues hereby provided, and to use all lawful process and proceedings, which they may deem requisite to enforce the same ; and also to impose such fine or penalty for the violation of any provision of this Act, as they may deem requisite, and such fine or penalty shall be recoverable in the name of the mayor, aldermen and common council of the city of Mobile, before any tribunal having competent jurisdiction.

(1843, Section 14.)
Powers in collection of dues.

§ 66. *Be it further enacted,* That the corporate authorities of the city of Mobile shall be under no obligation to enforce or carry into effect the provisions of this Act, unless three-fourths in amount of the creditors of said city signify their assent to the same, by written communication to the mayor of said city, by or before the first day of April, A. D. one thousand eight hundred and forty-three. (*This was done.*)

(1843, Section 15.)
Act how carried into effect.

§ 67. *Be it further enacted,* That after the passage of this Act, it shall not be lawful for the members of the boards of aldermen and common council, to make any contract with the corporate authorities, to do any work or perform any service for the same, nor shall any appropriation be valid that shall be made for this.

(1843, Section 16.)
Restriction.

§ 68. *Be it further enacted,* That in the expenditure of the funds of the said city derived from taxation, the mayor, aldermen and common council shall have a proper regard to the appropriation of the same to the improvement of the different wards of said city, in proportion to the amount of taxes paid by each ward.

(1843, Section 17.)
Appropriation of funds

§ 69. *Be it further enacted,* That the corporate author-

Feb. 13th, 1843, Section 1.)

ities shall have power to levy the same tax on itinerant or transient merchants who remain in said corporation less than one year, as is levied on permanent merchants, which tax shall be sued and collected at any time the corporate authorities may direct.

May tax itinerant and transient persons to the same extent as residents.

(1841, Section 13.)

Public faith, how pledged

§ 70. *Be it further enacted*, That in no case shall the faith of the city be pledged for the payment of money, unless it be a vote of two-thirds of both boards, and the sanction of the mayor of the city.

(March 6th, 1848, Section 1.)

Power to appropriate moneys.

§ 71. *Be it further enacted*, That the mayor, aldermen and common council of the city of Mobile, have full power and authority to appropriate, in any manner they may deem fit, for the use and benefit of the city, any moneys received by them from any source: *Provided always*, that nothing in this section contained shall, in any way, affect or repeal, or operate on any of the provisions of an Act approved 11th February, 1843, and entitled "An Act to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city, and for other purposes."

(1848, Section 11.)

Corporation may appoint committee of three.

§ 72. *Be it further enacted*, That it shall be lawful for the corporation aforesaid to appoint a committee of three persons, who shall give notice of their appointment by advertisement in some newspaper published in the city of Mobile, and call upon all persons having claims against the corporation that have not been arranged under the provisions of an Act entitled "An Act to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city, and for other purposes," approved 11th day of February, 1843, to present their claims to the said committee on or before a day certain, to be by them appointed and stated in their said notice; and upon the failure of any person having any such claim or claims to make presentment on or before the time prescribed in the notice published by the said committee, as in this section required, such claim or claims shall be forever barred, and no money shall be had thereon: *Provided*, that notices shall be given of the time and place when such presentment shall be made, by publication, at least once a week for

Their duty.

the space of two months before the day specified. (This has been done, and this Act is the authority for bonds issued according to its provisions, and is therefore here inserted.)

§ 73. *Be it further enacted*, That the corporate authorities of the city of Mobile shall have the authority to assess, and collect from, all persons trading or carrying on any business, trade or profession, within the limits of said city, (mechanics carrying on their trades or journey-work, excepted,) a license tax which shall be assessed in three grades ; the amount of the license tax of the first grade shall not exceed twenty dollars per annum ; the amount of the second grade shall not exceed ten dollars per annum, and the amount of the third grade shall not exceed five dollars per annum : the amount of said license taxes shall be fixed by ordinance from time to time as shall be deemed necessary : and when lesser rates are assessed, the amount of the several grades shall bear the same proportion to each other as above. And it shall be the duty of the city assessor in assessing the city taxes, to assess under such ordinance, the person subject to said license tax, according to their true and proper grades respectively, and according to their best judgment, with a just regard to the extent, amount, and profits of the trade, business, or profession of the person so assessed. And no person shall be required to pay more than one of said grades in any one year ; nor shall any person engaged in the retail trade only, be considered subject to any license tax, other than one of the third grade ; nor shall more than one license tax under this Act, be assessed against the partners of any firm trading or carrying on any business of said firm where the firm is assessed ; *And provided*, that nothing in this Act shall be construed to apply to or affect licenses granted or which may be granted to retailers of liquor, keepers of taverns, billiard-tables, nine or ten-pin alleys, circus or other theatrical exhibitions for public amusement ; nor shall any tax assessed or paid on real or personal property by any party, operate as an exemption from such license tax as herein provided ; and all the provisions of the statutes heretofore passed conflicting with the provisions of this section, are hereby repealed.

(Feb. 9th, 1850, Section 2.)

May collect tax on business.

Three grades

First grade.

Second.

Third.

Duty of assessor.

Proviso not to extend to licenses for retailers, &c.

(1845, Section 2.)

Assessment shall be for cash valuation.

Assessors shall make oath thereof.

§ 74. *Be it further enacted*, That in all cases in which assessors for city taxes for the city of Mobile, are or shall be authorized by law to assess the value of real or personal estate in said city, the only rule of appraisement shall be the cash value of the property so assessed, and the assessor or assessors shall in all such cases of assessment make oath or affirmation before the mayor of said city, or some lawfully qualified justice of the peace, that he or they, the said assessor or assessors, have valued and set in the tax list the property so assessed by him or them, according to their best judgment, at its value in money, at the time of the assessment, which oath or affirmation shall be written at the end of every such assessment list, and shall be subscribed by each and every assessor making such assessment.

(1853, Section 1.)

Powers of mayor, &c.

May pave, shell, or plank any street.

How made.

§ 75. *Be it further enacted*, That it shall be lawful for the mayor, aldermen, and common council of the city of Mobile, to pave, shell, or plank any street or streets, part or parts of a street within the limits of said city, upon the written application of the owners of at least two-thirds in quantity of the real estate located on each side of the street or streets, part or parts of a street, which it may be proposed to have thus improved, which said paving, shelling, or planking, shall be done at the expense of the owners of the property located upon any street or part of a street so improved, in such a proportion as that each piece of said property shall pay of the expense of any such improvement, a fractional share thereof, equal to its front on any such street or parts of a street so improved ; and after such improvement is complete, for the purpose of ascertaining the proportion of said expenses to be paid by the owners of such property, it is hereby made the duty of the city surveyor and the mayor of said city to certify in writing, the proper amount due from each owner or piece of property whose owner is unknown, to the tax collector of said city, which amounts so certified shall respectively be levied on each piece of said property, and shall be collected by said corporation in like manner as the taxes on real estate are authorized to be collected under the provisions of the charter of said city, enacted in the year 1844 ; and when so collected,

Duty of mayor and city surveyor.

the said tax collector shall pay the same to the city treasurer.

§ 76. *Be it further enacted,* That the said corporation shall have full power and authority to purchase and provide for payment of the same, all such real estate as may from time to time be deemed necessary and proper for the purpose of establishing markets and market houses within the limits of said corporation. (1853, Section 2.)
Provide for payments.

§ 77. *Be it further enacted,* That in order to change the present system of wharfage in the city of Mobile, and to substitute dockage charges on vessels in lieu of charges on produce and merchandise, the mayor, aldermen and common council of the city of Mobile shall have power and authority to obtain, by contract, the property in or the control of the wharves and wharf property of the city of Mobile, so far as the same may be practicable, and shall have power, if necessary, to issue city bonds for purchase money for the same not having more than four years to run, and not bearing a rate of interest exceeding six per cent. per annum, which bonds and interest shall be paid out of said property and its proceeds, and no other property of the city shall be taxed for the payment of said bonds, or interest on the same. (1854, Section 1.)
Powers of mayor and aldermen as to wharves.

§ 78. *Be it further enacted,* That in order to accomplish said purpose, if found practicable the said corporation of Mobile shall be authorized to appoint, in such mode and manner as it may provide, a board of trustees, who shall be charged, under the control and supervision of said corporation, with the carrying into effect of said wharf arrangement, with power to purchase, contract for, arrange and compromise in the name and behalf of the city with all owners of wharves and wharf property, and to make all suitable agreements to accomplish the object aforesaid so far as the same may be found practicable and expedient, under such ordinances and regulations as said corporation may from time to time prescribe. (1854, Section 2.)
Trustees appointed.

§ 79. *Be it further enacted,* That the said board of trustees shall be placed in charge of all such property as may be acquired, or the control of which may be obtained (1854, Section 3.)
Powers.

under the authority of this Act, to be managed, regulated and controlled by them, to be improved, kept in repair and disposed of as they shall think best, and as shall be provided by the city ordinances ; and all revenues to be raised therefrom shall be applied by said board to pay all expenses, improvements and repairs, and from the same they shall pay all interest on such city bonds as shall be issued under the authority of this Act, and they shall provide also out of the same a sinking fund for the payment of the principal of said bonds.

(1854, Section 4.)

May raise revenue.

§ 80. *Be it further enacted,* That said board of trustees shall have power to raise a revenue from such wharves and docks as may be under the control of the said corporation, by establishing and collecting a rate of dockage and wharf charges to be paid by all ships, vessels, steamboats, steamships and crafts of all description trading to, at and from the port of Mobile, the bay of Mobile, and the rivers and streams emptying into the same, all of which shall be sanctioned by proper ordinances of said city.

(1854, Section 5.)

Appointment of superintendent

§ 81. *Be it further enacted,* That said board of trustees shall have power to appoint a proper person as superintendent of wharves, whose duty it shall be to collect and pay out all moneys under the control of said board, to keep said wharves and docks in repair, and attend generally to the execution of the acts of said trustees ; said superintendent shall give bond, payable to the mayor of the city of Mobile, in the penal sum of fifty thousand dollars, conditioned for the faithful discharge of the duties of his office ; the said board of trustees shall also appoint all such clerks and agents as may be needed, the compensation of all of which, as well as that of the superintendent, shall be fixed by the corporate authorities ; said board shall make return in detail of all its accounts and transactions to the mayor of the city as often as required, not less than once in each year, and in all things be subject to the control of the corporate authorities of said city.

Board to report to the mayor.

(1854, Section 6.)

Special tax.

§ 82. *Be it further enacted,* That in order to enable the corporate authorities of the city of Mobile to carry into full effect the arrangement contemplated in this Act, said

corporate authorities shall have power to levy a special tax on the real estate in the city not exceeding the rate of one-tenth of one per cent., which tax shall be collected by the city tax collector, under such powers, rules and regulations as are provided by law for the collection of other city taxes on real estate, and paid over by him as fast as collected to the trustees aforesaid ; and it shall be the duty of the said trustees to appropriate the money thus received to the building of wharves over such slips as are now or may hereafter become the property of the city, or in the construction of a levee or levees, under such regulations and upon such plans as may be prescribed by the city authorities ; and in no case or event shall the money thus collected be appropriated to any other use or purpose whatever.

§ 83. *Be it further enacted*, That the financial year shall commence on the fourth Monday in March. (1832, Section 5.)

§ 84. *Be it further enacted*, That the mayor and aldermen of the city of Mobile shall, at the first meeting of their board to be holden after the first day of February, 1832, and at the first meeting thereof in each subsequent year, appoint four master mechanics of the city of Mobile, to be measurers and estimators of work ; and the said four shall be called the committee of master mechanics of the city of Mobile. (Jan. 1832, Section 1.)
Mayor and aldermen to appoint a committee of mechanics

§ 85. *Be it further enacted*, That whenever any difference arises between persons interested in any work done to or on any building within the city of Mobile, concerning said work, whether the same be as to quantity or quality of the work, the said difference shall be, at the suggestion of either of the parties interested, referred to the said committee of master mechanics, in manner and form hereinafter provided. (1832, Section 2.)
A difference concerning work to be referred to the committee.

§ 86. *Be it further enacted*, That any person or persons wishing to avail him or themselves of the privileges of this Act, shall give notice in writing to the said committee, that a difference has arisen between himself and another or others, touching the quantity of work done, or the quality thereof, (as the case may be) on any building or buildings, (describing the same) whereupon it shall be the duty of the (1832, Section 3.)
Mode of proceeding.

said committee, or a majority thereof, to give private notice in writing to all parties interested, if the same be practicable, and if not practicable, public notice in a newspaper printed in the city of Mobile, that they intend, at a certain time and place to be mentioned in said notice, the time being not less than two nor more than ten days from the service or appearance of said notice, to proceed to measure the quantity, or estimate the quality, (as the case may be) of such work: and at the same time and place so appointed, the said committee, or a majority thereof, shall proceed to measure and estimate as aforesaid, and shall thereupon give to the party at whose instance the same was done, and to such others as may require it, a certificate setting forth their doings in the premises; and the said certificate, under the proper hands and seals of the said committee, or a majority thereof, shall be held and deemed in any court in this State, evidence as to the quantity or quality of the work in question, and also as to any notice required by this Act: *Provided*, that nothing contained in this Act shall prevent any person who may feel himself aggrieved by any such survey, from his right of appeal.

Proviso.

(1832, Section 4.)

Work not faithfully done.

§ 87. *Be it further enacted*, That with regard to the quality of any work done as aforesaid, the said committee shall, when it shall seem to them, or a majority of them, that the same has not been done in a workmanlike manner, barely certify the per centage that shall be deducted in consequence thereof.

(1832, Section 5.)

Vacancies, how filled.

§ 88. *Be it further enacted*, That any vacancy or vacancies which may occur, by death, resignation, absence or removal, shall be supplied by the mayor and aldermen aforesaid, and that a continued absence of sixty days from the city of Mobile, shall forfeit membership, which absence shall be certified to the clerk of the city of Mobile.

(1832, Section 6.)

Compensation.

§ 89. *Be it further enacted*, That the said committee shall be entitled to such compensation as the mayor and aldermen shall, from time to time, establish by ordinance, which compensation the parties interested in said work shall pay, share and share alike.

(1832, Section 7.)

§ 90. *Be it further enacted*, That all suits brought by

said committee for the recovery of fees, shall be in the name of the committee of mechanics of Mobile.

Recovery of fees.

§ 91. *Be it further enacted*, That every member of said committee shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath, faithfully and impartially to discharge the duties of his office so long as he may continue therein, which oath shall be filed in the office of the clerk of the city of Mobile.

(1832, Section 8.)
Oath of office

§ 92. *Be it further enacted*, That the mayor, aldermen and common council of said city shall have power and authority concurrent with the probate court and overseers of the poor of this State, to provide for the indigent, lame, blind, and others not able to maintain themselves within said city, and also to bind out as apprentices, such orphans and poor children within the limits of said city, as in the opinion of the said mayor, aldermen, and common council, may require it, in the same manner and under the same regulations as the probate court and overseers of the poor now do, and require from the masters of such persons, that they engage in a covenant entered into with the said mayor, aldermen and common council, that they will provide for such apprentices such food, clothing, instruction, and education as the said mayor, aldermen and common council may require; the same to be specified in such covenant.

(1832, Section 3.)
Mayor and aldermen to have concurrent power with county court in reference to the poor, &c.

§ 93. *Be it further enacted*, That the said mayor, aldermen and common council shall have power to lay a poll tax of not exceeding two dollars on each and every passenger arriving at or coming to the port of Mobile from any foreign State or kingdom, in or on board any vessel, steamboat, or other water-craft, except such as are employed on any of the rivers leading to the port of Mobile; which poll tax shall be collected and paid into the city treasury, for the use of the city hospital.*

(1844, Section 31.)
Poll tax of \$2 on every passenger.

* § 864.—Every master of any vessel coming from any port or place out of this State (except New Orleans) at the port of Mobile, who is by any law of the United States, required to enter and passengers on entry of ship to be given and sworn to. List of crew and passengers on entry of ship to be given and sworn to.
such arrival at the custom house, must, within one day after such arrival, deliver at the mayor's office, on oath, a correct list of every person who arrived in such vessel, first stating the names of the officers and crew, the names of each passenger, the color and sex of each person, and if they are free, or slaves.

§ 865.—The oath required by the preceding section may be administered by the mayor, or other person authorized, for which he is entitled to a fee of twenty-five cents. *Idem.*

(Feb. 1854,
Section 1.)

Port ward-
ens, how ap-
pointed.

§ 94. *Be it further enacted*, That there shall be appointed by the mayor, the collector of the port, and the president of the common council of the city of Mobile, on the first Monday in November of each year, three persons who shall be denominated port wardens, one of whom shall be designated as, and shall serve as harbor master, all of whom shall devote their whole time to the discharge of the duties required of them by this Act; and for any refusal or neglect thereof, or for improper conduct in their discharge, the said mayor, the collector of the port and president of the common council, are hereby authorized to remove them one or all, and to appoint others in their stead.

(1854, Sec-
tion 2.)

Shall keep
records.

§ 95. *Be it further enacted*, That the said harbor master and wardens shall have an office in the city of Mobile, in which shall be kept for the inspection of all persons therein interested, in a book or books to be provided for the purpose, a full and complete record of all their official acts.

(1854, Sec-
tion 3.)

Duty of har-
bor master
to regulate
ships, boats,
&c.

§ 96. *Be it further enacted*, That it shall be the duty of the harbor master to regulate and station all ships and vessels arriving within the corporate limits of the city of Mobile, and from time to time to remove such ships or vessels as are not employed in receiving or discharging their cargoes to make room for such others as require to be moored immediately—accommodated for the purpose of receiving or discharging cargo; and as to the fact of their being fairly and *bona-fide* employed in receiving or discharging cargo, the said harbor master is hereby constituted sole judge; and the said harbor master shall have authority to require masters and others having charge of ships and vessels made fast to any of the wharves, to so adjust their spars that they will not interfere with other vessels or project over any of the streets in said city, and shall also have authority to determine how far and in what instances it is the duty of masters and others having charge of ships and vessels, to accommodate each other in their respective situations; and if any

To adjust
their spars.

Lists, where
filed.

§ 866.—The clerk of the city of Mobile must file in his office all such lists, for the inspection of any citizen of the United States, on paying a fee of ten cents.

Penalty for
failure to
give list.

§ 867.—The master of any such vessel arriving in the port of Mobile, failing to make out and deliver the list of his officers, crew, and passengers, as, and within the time required by this article, forfeits the sum of two hundred dollars; one half to the use of the person suing for the same, the other to the use of the city of Mobile.

master or other person having charge of any ship or vessel, shall resist or oppose the harbor master in the execution of the duties of his office, such master or other person shall forfeit and pay for every such offense the sum of fifty dollars, to be recovered, with costs of suit, in the name of the master and wardens of the port of Mobile, before any court having cognizance thereof, and all of such fines shall be paid into the treasury of the city of Mobile, for the use of the poor of said city ; and the said harbor master, in case of sickness or temporary absence, shall have power to appoint one of the wardens his deputy, who shall be invested with all the powers conferred by this Act on the harbor master.

Penalty for failing or refusing to obey.

In case of sickness or absence of harbor master, one of wardens to act.

§ 97. *Be it further enacted,* That it shall be the duty of the said harbor master and wardens, or any one of them, on application being made to them for the purpose, to inspect and be present at the opening of the hatches of all vessels arriving within the corporate limits of the city of Mobile, and to survey the storage of their cargoes ; and in making record as aforesaid of such inspection of hatches, they shall state whether they were properly covered and secured, and of cargo, they shall designate every package of merchandise surveyed by marks and numbers, and if such package or packages have appearances of being damaged, they shall state how such package appeared to have received damage.

(1854, Section 4.)

Duties of harbor master and wardens to be present at opening hatches, survey, inspect, &c., and make record of.

§ 98. *Be it further enacted,* That it shall be the duty of the said harbor master and wardens, or any two of them, when applied to for that purpose, to inspect all damaged cotton or other merchandise arriving in the city of Mobile, and to attend and direct the sale thereof at public auction, if in their opinion the damage thereto is sufficient to justify its sale, and the owner or consignee thereof orders it sold under their direction, and to give a certificate of such survey, and of the correctness of the sales under their hands and official seal : *Provided,* That they shall direct and certify no sale of damaged cotton or other merchandise at public auction, unless forty-eight hours' notice of the time and place of such sale or sales has been given in one of the newspapers of the city of Mobile.

(1854, Section 5.)

To inspect cotton and merchandise

To attend and direct sale of damaged goods, &c., at auction.

Shall give certificate.

48 hours' notice to be given.

(1854, Section 6.)

To survey vessels and employ carpenter if proper to do so, also laborers

§ 99. *Be it further enacted*, That the said harbor master and wardens, or any two of them, when called upon by the master, owner, or consignee to survey any ship or vessel, shall have power to employ a carpenter or carpenters to open the ceiling, strip the sheathing, bore the timbers, and perform such other work as shall be necessary, to enable them to make a correct survey, and to employ laborers to move, open, cooper, or otherwise arrange cotton or other merchandise they may survey, the expense of all which shall be paid by the owner, master, or consignee of such ships or vessels, or cotton, or other merchandise.

At the expense of owner.

(1854, Section 7.)

§ 100. *Be it further enacted*, That for the survey to be performed by the said harbor master and port wardens, by virtue of this Act, there shall be paid by the owner, master, or consignee of any vessel or cargo, the following fees, to wit :

Fees for survey.

For every ship or vessel that may come within the corporate limits of the city of Mobile, and load, discharge, or make fast to any of the wharves in said city, at and after the rate of three cents per ton, to be computed upon the tonnage expressed in the register on enrollment of such ship or vessel ; for every survey of the hatches, or of the stowage of the cargo of any ship or vessel, three dollars ; for every survey of damaged cotton, or other merchandise, ten dollars ; for every survey for any ship or vessel, ten dollars ; and for attending directing, and certifying the sales of damaged cotton, or other merchandise, as required by this Act, they shall be entitled to the following compensation, to wit : On sums of two hundred dollars and under, five per cent. ; over two hundred, and not exceeding five hundred dollars, two per cent. ; over five hundred and not exceeding one thousand dollars, one per cent. ; and over one thousand dollars, one quarter of one per cent. : *Provided*,

For sales and certificate.

Proviso.

That the foregoing charge of three cents per ton shall not be paid on flat boats, and that it shall not be required more than once in each year from packets and regular traders between New Orleans and Mobile, and Pensacola and Mobile, and American steamers engaged as regular packets to Mobile, and from steamboats and barges employed on the rivers that flow into Mobile bay.

§ 101. *Be it further enacted,* That all the revenues arising to the harbor master and wardens for the services required of them by this Act, shall constitute one fund, out of which shall be paid first, all their office expenses, then there shall be paid to the harbor master the sum of five hundred dollars: the residue of said fund shall be divided equally between the said harbor master and wardens, one-third to each.

(1843, Section 8.)
Disposition of revenue.

§ 102. *Be it further enacted,* That no person acting as agent or inspector of any insurance company, or any owner or consignee of any ship or vessel, or any person employed by the owner, master or consignee of any ship or vessel, for any purpose in connection with ships or vessels, except as provided by this Act, or any person who furnishes supplies, or materials of any description to any ship or vessel, or any person having any direct or indirect interest in the business of auctioneer, shall be appointed a harbor master or port warden.

(1854, Section 9.)
Qualification.

§ 103. *Be it further enacted,* That the harbor master and wardens of the port of Mobile be, and they are hereby authorized to point out and direct where ballast shall be discharged in or about the bay of Mobile, and that the master or officer of any vessel or other person who may violate such direction after the same shall have been given or published, and discharge the same at any other than the place or places pointed out as aforesaid, shall forfeit and pay the sum of five hundred dollars for every such offense, with costs, to be recovered before any court having competent jurisdiction, at the suit of the harbor master, one-half of which shall be paid to the person or persons giving information of the same, and the other half to the use of the city of Mobile.*

(1844, Section 35.)
This is qualified by § 918 of the code.
Harbor master may direct where ballast is to be placed.

Penalty.

* § 891.—No steamboat must carry freight or passengers on any of the navigable waters of this State emptying into the bay of Mobile, without having undergone a thorough survey and examination by the board, harbor master, and wardens of the port of Mobile, and such board are required to make such survey and examination as often as may be necessary, but at least once in each year.

Boats to be examined and surveyed by board.

§ 892.—If, on such survey and examination, such boat is found to be well provided in hull and machinery, and in all respects well found, and river-worthy, for at least one year thereafter, such board must grant a certificate thereof, and enter the same of record in the port warden's office.

Certificate, if river-worthy.

§ 893.—If any boat carries freight, or passengers on such waters, without first obtaining

(1844. Section 36.)

Negroes for sale or hire to be registered in clerk's office.

Place of selling or hiring how regulated.

§ 104. *Be it further enacted,* That all negroes that are or may be brought or sent within the limits of the city, by any person or persons whatsoever, for sale or hire, shall be duly registered in a book kept for that purpose in the clerk's office of said city, and the mayor, aldermen and common council shall have power to regulate and prescribe the manner and places of selling or hiring such slaves, and the manner and places of exhibiting same for sale or hire.

(1844. Section 38.)

May require fencing and inclosing lots. Lots to be cleansed and cleared of all nuisances. To require sidewalks. How where owner is unknown.

How enforced where owner fails to act.

§ 105. *Be it further enacted,* That the boards of mayor, aldermen and common council shall have power to require the fencing or inclosing any vacant lot within the limits of the city; to require lots to be cleansed and cleared of all such nuisances as to the said boards may seem necessary to be removed; to require sidewalks to be made fronting any lots within the corporate limits; and in every instance where no owner or agent can be found, to make such cleansing and improvements, or in case of the refusal or neglect of the owners or agents to comply with the orders of the authority aforesaid, then the said boards may cause the same to be done, and let out such lot or lots for such term of time as will cover the expenses incurred in so cleansing or improving any such lots, having first given ten days' public notice thereof in one of the newspapers published in the city of Mobile.

(1844. Section 39.)

Buildings may be regulated.

§ 106. *Be it further enacted,* That the mayor, aldermen and common council shall have full power and authority to prohibit and prevent the erection and construction of all kind of wooden or other buildings, except those erected or

Penalty for acting without certificate.

such certificate, and renewing the same as often as once in twelve months, the master and owners of such boat are jointly, and severally, liable for all damages to property shipped thereon, from any cause, or accident to the hull, machinery, or otherwise, and in all suits for damages under this section, the burthen of proof rests on such master, or owners, and the certificate of the board of such harbor master, and wardens, is evidence of the transactions of such board.

Assessment of damage on goods brought into the port.

§ 894.—Any three of such harbor masters and wardens are surveyors of damaged property brought into the port of Mobile, on any steamboat, vessel, or other water-craft, and must, upon every such survey, certify, under their hands, the amount of damages which any owner, or shipper of such property has sustained, and cause entries thereof to be made in a book to be kept in the port warden's office for that purpose; which surveys and certificates, or certified copies thereof from such book, are evidence in any court of this State.

Fees of harbor master and port wardens.

§ 895.—For each survey, and examination of any boat made under this article, and for entering the same of record, and giving a certificate thereof, such harbor master and port wardens are entitled to a fee of five dollars, for each additional certificate, one dollar, for each survey of damaged property, to three dollars a day each, for giving certificate and making entries, one dollar, and for giving a certified copy of such survey, one dollar.

constructed of brick or stone and covered with slate or metal, and within such limits as they may deem best for the safety of the city.

§ 107. *Be it further enacted*, That if any person or persons shall either directly or indirectly build or cause to be built, or shall knowingly suffer or permit any wooden or other building or buildings, except as aforesaid, to be erected, built or put upon his or her or their lot or lots within such limits and boundaries as may be designated by the said board of mayor, aldermen and common council; such person or persons so offending against the provisions of this Act shall for each and every day he, she or they shall continue so to offend, forfeit and pay the sum of fifteen dollars, to be recovered before the mayor or any one of the aldermen or common council of said city.

(1844, Section 40.)

\$15 per day penalty for violating last section.

§ 108. *Be it further enacted*, That the mayor, aldermen and common council for the time being, and their successors in office, shall be fully authorized and empowered to remove such wooden or other buildings as have been erected since the first day of January, in the year of our Lord eighteen hundred and twenty-nine except those constructed of brick or stone, as have been or may be erected, built or put up within the limits to be deferred as aforesaid by said corporation, which removal shall be at the expense of the city: *Provided always*, That the said mayor, aldermen and common council be of opinion that the protection of said city and its safety and security from fire will be increased by the removal of said wooden or other buildings; and *provided* also, that they first pay to the owner or owners thereof such equitable compensation in damages as a jury of freeholders in said city, to be summoned and sworn as in other cases by the mayor for the time being, shall be of opinion that he, she or they may sustain thereby.

(1844, Section 41.)

Wooden or other buildings erected since 1829 may be removed.

Proviso, should be necessary,

and equitable compensation shall be made.

§ 109. *Be it further enacted*, That for any default of attendance of any juror who may be drawn and summoned under the provisions of this Act, such juror shall and may be fined by the mayor or any one of the aldermen or common council in a sum not exceeding twenty dollars: *Provided*, that a reasonable excuse made on oath by such

(1844, Section 42.)

Defaulting juror, how punished.

Excuse to be heard.

defaulting juror, shall exempt him from the payment thereof.

(1844, Section 43.)

Physicians appointed shall enforce health ordinances.

§ 110. *Be it further enacted*, That all physicians who may be appointed by the said mayor, aldermen and common council, to carry into effect their ordinances in reference to the preservation of health in the city of Mobile, shall be obliged to give their opinions in writing when thereto requested by the said mayor, aldermen and common council, touching any contagious or malignant fevers prevailing within the limits of, said city of Mobile, or any disease, matter or thing which affects the health or lives of the inhabitants of said city.*

(1844, Section 44.)

Mayor &c. shall issue process under this Act, &c., as a justice of the peace.

Directed to police officer

Mayor &c. shall try.

Give judgment.

Appeal, how taken.

§ 111. *Be it further enacted*, That the said mayor, or either of the said aldermen or common councilmen shall issue his process as a justice of the peace for the city of Mobile, for offenses committed under this Act, and for a breach of all or any of the by-laws, or ordinances of the said corporation, to the marshal or any one of the police constables appointed by the said corporation, who shall bring the offenders in pursuance of the said process, before the said mayor, or the alderman or common councilman aforesaid; and the said mayor, the alderman or the common councilman who may have issued the process, shall proceed to try the offenders, and examine all witnesses that may appear or be subpoenaed before him, both on the part of the corporation and on the part of the delinquents, and give judgment as to him shall appear just and legal; and if the said person or persons who may be brought before the said mayor, alderman or common councilman, shall be dissatisfied with the decision of the said mayor, alderman or common councilman, he, she or they may forthwith appeal to the circuit or city court of Mobile county, in all cases where the judgment shall exceed twenty dollars, and the said person or persons shall give a bond, with good and sufficient security, to pay and satisfy the judgment, with costs, in case the judgment of the said mayor, alderman or common councilman shall be affirmed by the said

* Members of the Mobile medical society are required to observe such ordinances. Act December 21st, 1841, section 6.

circuit or city court, and the proceedings thereon shall be as are prescribed by law in other cases of appeal.

§ 112. *Be it further enacted*, That from and after the passage of this Act, all fines and forfeitures adjudged or assessed against any white person or persons, or free person or persons of color, by the mayor or any one of the aldermen or councilmen of said city, under or by virtue of any statute of this State, or of any proper ordinance of said city, may be enforced and collected against any such person or persons by execution to be issued by the clerk of said corporation, and to be directed to and executed by any marshal, deputy marshal, captain or lieutenant of the guard of said city ; which said execution shall in all respects, except in the direction thereof as aforesaid, conform to and be governed by, and be executed by the said officers to whom the same is to be directed, in the same manner as is required by the laws regulating executions issued by justices of the peace of this State.

(Feb. 1852, Section 10.)
Fines &c. may be enforced by execution, as in cases before justices of the peace.

§ 113. *Be it further enacted*, That the said corporation be, and they are hereby authorized to cause a complete and accurate survey to be made of the said city, agreeably to the courses and limits prescribed in this Act, and to establish and fix from time to time, permanent boundaries at such places as they may deem necessary and proper for perpetuating the boundaries of said city ; and to cause the squares, into which the city now is or hereafter may be divided, to be numbered, beginning at such point as the said corporation may designate, and progressing with the same in the manner they may direct, and also to cause the front and depth of each lot so numbered to be measured and specified on the survey of the said city, and after the said survey shall have been so made and approved by the corporation, the same shall be admitted to record in the office of the clerk of the probate court of Mobile county, or in such office as at the time of completing said survey shall or may by law be appointed for recording deeds.

(1844, Section 45.)
Survey of city, and to fix boundaries and limits.
To divide city into squares.

Lots
To be recorded.

(1844, Section 46.)
New streets or alterations.

§ 114. *Be it further enacted*, That it shall not be lawful for the mayor, aldermen and common council of the city of Mobile to make any new streets, or to make any alteration, improvement or repairs of any already made, of which the

whole cost and expenses shall exceed five hundred dollars, unless upon the written application of the owners, of at least one-fourth in quantity of the property through or over which such new street, alteration, improvement or repairs are desired to be made ; and it shall be the duty of the mayor to give notice of such application for thirty days, in the newspapers of Mobile, or some one of them, in order that persons interested therein may signify their objections to the same, and if after the expiration of such notice the board of aldermen and common council ordain the making alterations, improvements or repairs of such street, it shall be at the expense of those benefited by the same ; and it shall be the duty of the mayor to impanel a jury of twelve freeholders of the city of Mobile, who shall assess the property benefited by and adjacent to the proposed new street, alteration, improvement, or amendment, the fractional part of the whole sum paid or expended, or directed by ordinance to be paid or expended, which assessment shall be a lien on the property, and collected by the said corporation in like manner as the taxes on real estate are collected under the provisions of this Act ; and if the new street, alteration, improvement or repairs shall be requested by the owners of one-fourth part of the property, in manner aforesaid, and the same shall be made by reason of any ordinance of the corporation, the several parties benefited as aforesaid, shall be compelled to contribute to the expense of making the same, although the forms prescribed by this section may not have been strictly complied with, and the request and ordinance shall alone be deemed essential to create the claim for contribution : *Provided*, that the street called and known by the name of Government street shall be, and is hereby declared to be one hundred feet wide, and it shall be the duty of the said corporation to designate and distinctly mark out the northern limits of said street according as the same were established by the Spanish government, as nearly as can be ascertained by the Spanish records, by the records of the land office, or by any other evidence which they may deem necessary or satisfactory ; and the limits, when so ascertained, marked out and designated, shall be the permanent northern boundary of said street.

Improvements &c. of streets, over \$500, only made on application by property holders of at least one-fourth interest.

Notice to be given for objections.

If objections overruled.

Jury to be impaneled to assess.

Assessment a lien, how.

When owners shall contribute.

Proviso. Government street to be 100 feet wide

Northern limits, as under Spanish government, to be marked out.

§ 115. *Be it further enacted*, That the said corporation shall have power, and they are hereby authorized, to alter and change the names of streets of the said city, whenever they may deem it expedient, and they shall mark the names when so altered and changed, together with the original names thereof, in the map of said city.

(1844, Section 47.)

May change name of streets.

§ 116. *Be it further enacted*, That all Acts and parts of Acts inconsistent with this Act or with any provisions thereof, except the Act entitled "An Act to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debt of said city, and for other purposes," approved the 11th of February, 1843, and except also the 18th section of an Act entitled "An Act to alter and amend the charter incorporating of the city of Mobile," passed December 24th, 1824, which provides for the repeal of the Act to incorporate an aqueduct company in the city of Mobile, be and the same are hereby repealed.

(1844, Section 49.)

That nothing in the Act of 1844 shall affect the Act of 1843, or the 18th section of Act of 1824.

All other prior Acts inconsistent with the Act of 1844 are repealed.

§ 117. *Be it further enacted*, That hereafter the number of justices of the peace in and for the city of Mobile shall not depend on the militia beats, but there shall be elected for each ward in the city, one justice of the peace and one constable, by the qualified electors of said ward; who shall hold their office for three years and be governed by the same rules in every other respect that now govern justices of the peace, in their powers, duties, and fees: and their terms of office shall commence from the expiration of the terms of office of the present incumbents.

(Feb. 1848, Section 1.)

One justice of the peace for each ward.

§ 118. *Be it further enacted*, That all justices of the peace for said city shall keep a docket, on which shall be entered a note of each case brought before them and of their orders and doings thereabouts; and that at the expiration of their terms of office, whether by death or otherwise the said books together with the papers of their office, shall be deposited in the office of the clerk of the orphan's court of Mobile county, and imperfect orders, proceedings and judgments may be perfected by the successor of the justice whose proceedings are thus defective.

(1848, Section 2.)

Justices shall keep docket.

At the expiration of office to hand over papers to clerk of orphan's court, (probate judge.)

§ 119. *Be it further enacted*, That from and after the first day of November next (1848) justices elected in the

(1848, Section 3.)

Justices not to keep office in city if elected out of city.

county of Mobile, beyond the limits of said city, shall not be permitted to keep their offices within the limits of said city.

(1848. Section 4.)

Corporation to appoint inspectors of election.

Vacancy. how filled.

§ 120. *Be it further enacted*, That the mayor, aldermen and common council of the city of Mobile be charged with appointing inspectors and officers to hold the elections hereinbefore provided for in the same manner that aldermen are elected, and in case of death or resignation of any of the justices herein provided, his place shall be filled by election in the same manner as if his term of office had expired.*

Term of office.

How punished for misconduct in office.

* *January 12th, 1826.—Section 1. Enacts* that the judge of the county court and commissioners of Mobile county shall appoint justices of the peace who shall continue in office during the term of three years, but for any malconduct or misdemeanor in office whatsoever, may be prosecuted by information or presentment of a grand jury, in the circuit court of said county, which information or presentment, shall specify the particular malconduct or misdemeanor with which such justice of the peace shall stand charged, and shall not be quashed, overruled, or avoided, for the want of form. And if the justice of the peace so prosecuted, on the return of a summons executed, shall fail to appear, at the term to which such summons is returnable, and plead to the information or presentment, or shall in open court confess the matter therein alleged, or shall be convicted thereof by the verdict of a jury, the court before whom such prosecution shall be had, shall certify the same to the governor, who, in either of the cases above mentioned, shall forthwith revoke the commission of such justice of the peace, and make known the same to the judge of the county court, and the person so removed shall thereafter be rendered incapable of holding the office of a justice of the peace in any county in this State.

To give bond

Section 3. Enacts that they shall appoint persons to serve as constables within the said county for the term of three years, but for any malconduct or misdemeanor in office, may be removed on complaint by the said judge of the county court and commissioners of roads and revenue, and the said constables before entering on their official duties, shall severally enter into bond, in such manner, and for such sum, as now required by law.

December 30th, 1821.—Section 4. Enacts that from and alter the passage of this Act, the appointment to all offices in the said county of Mobile, which are now by law vested in the judge of the said county court of Mobile county, shall be vested in the said judge and the commissioners of roads and revenue for the said county, or in the majority of the said judge and commissioners; and that hereafter justices of the peace and constables in the said county of Mobile, instead of being appointed, pursuant to the existing laws, by the said judge and commissioners, shall be elected pursuant to the general laws of this State in relation to the election of justices of the peace and constables in the several counties of this State, but who shall enter into bond with security as is now required by law in the said county of Mobile, and be subject for misconduct and misbehavior in office to the penalties imposed by the Act of the general assembly entitled "An Act concerning justices of the peace and constables in Mobile county," passed January 12th, 1826.

THE CODE ORDINANCES

OF

THE CITY OF MOBILE,

PREPARED BY

ALEXANDER McKINSTRY,

IN PURSUANCE OF A RESOLUTION OF THE MAYOR, ALDERMEN, AND COMMON
COUNCIL OF MOBILE.



MEMBERS OF CORPORATION IN 1858.

Mayor.

JONES M. WITHERS.

Aldermen.

NEWTON ST. JOHN, *President.*

JOHN BOWEN,	CHARLES L. LE BARON,
LLOYD BOWERS,	A. G. MOORE,
R. L. BURFORD,	C. F. MOULTON,
GEO. I. BLAKESLEE,	J. B. MALONE,
R. C. CUNNINGHAM,	ISRAEL I. JONES,
GEO. A. CLEVELAND,	F. A. ROSS,
GEO. A. KETCHUM,	R. B. ROULSTON,
JONA'N KIRKBRIDE,	R. H. SLOUGH,
R. A. LEWIS,	S. C. STRAMLER,
	B. S. SKATES.

Common Council.

HENRY S. LEVERT, *President.*

1st Ward,	- -	THOMAS ST. JOHN,
2d	" - -	LEWIS T. WOODRUFF,
3d	" - -	THOMAS P. MILLER,
4th	" - -	HENRY S. LEVERT,
5th	" - -	WM. E. JENNINGS,
6th	" - -	GEO. H. SCHEFFELIN,
7th	" - -	J. J. T. WILSON.

OFFICERS OF THE CITY FOR 1858.

H. A. DONALDSON,	- -		<i>City Treasurer.</i>
D. S. CUMMINS,	- - -		" <i>Clerk.</i>
JOHN HALL,	- - - -		" <i>Attorney.</i>
J. H. DAUGHARILL,	- -		" <i>Tax Collector.</i>
H. G. BLOUNT,	- - -		<i>Keeper Powder Magazine.</i>
E. GIRARD,	- - - -		<i>Clerk Market.</i>
W. G. CLARK & Co.	- -		<i>City Printers.</i>
JAMES WILKINS,	- - -		<i>Weigher of Hay.</i>
J. S. GLISSON,	- - -		<i>Inspector of Staves.</i>
WM. BANCROFT,	- - -		<i>Inspector of Wood, North.</i>
E. ALVAREZ,	- - -		<i>Inspector of Wood, South.</i>
ISAAC BRYAN,	- - -		<i>Inspector of W. and Measures.</i>
T. J. ELLISON,	- - -		<i>City Gauger.</i>
D. ROBERTSON,	- - -		" <i>Sexton.</i>
D. WALKER,	- - -		" <i>Assessor.</i>
P. J. PILLOWS.	- - -		" <i>Surveyor.</i>
F. J. BERNARD,	- - -		<i>Master Mechanic.</i>
R. L. BURFOOT,	- - -		" "
R. H. REDWOOD,	- - -		" "
J. KIRKBRIDE,	- - -		" "
C. W. GAZZAM,	- - -		<i>Trustee of City Property.</i>
W. D. DUNN,	- - -		" " "
JNO. J. WALKER,	- -		" " "
S. CHARPENTIER,	- - -		<i>Captain of Police.</i>
D. W. FULLER,	- - -		<i>Lieutenant of Police.</i>
J. M. SCALICK,	- - -		" "

JNO. T. WEBB,	- - -	<i>Lieutenant of Police.</i>
RUSSELL W. LEWIS,	- -	“ “
S. W. CLARK,	- - -	<i>Sergeant of Police.</i>
P. D. CARR,	- - - -	“ “
J. GIDDINS,	- - - -	“ “
J. S. WHITNEY,	- - -	“ “
JAMES WADE,	- - - -	<i>Day Sentinel.</i>
JNO. GRAHAM,	- - -	<i>Night “</i>
J. CHARPENTIER,	- - -	<i>Bell Sentinel.</i>
W. SHELTON,	- - - -	“ “
S. GILDER,	- - - -	“ ‘

The first part of the book is devoted to a general introduction to the subject of the history of the world, and to a description of the various methods which have been employed by historians in the collection and arrangement of their materials. The second part is a history of the world, from the earliest times to the present day, and is divided into three volumes, the first of which contains the history of the world from the beginning of the world to the fall of the Roman Empire, the second contains the history of the world from the fall of the Roman Empire to the present day, and the third contains the history of the world from the present day to the future. The third part of the book is a history of the world, from the earliest times to the present day, and is divided into three volumes, the first of which contains the history of the world from the beginning of the world to the fall of the Roman Empire, the second contains the history of the world from the fall of the Roman Empire to the present day, and the third contains the history of the world from the present day to the future.

RULES
OF THE
BOARD OF ALDERMEN
OF THE
CITY OF MOBILE.

RULE 1. The president shall take the chair at all meetings of the board, and on the appearance of a quorum shall immediately call the members to order ; when the president is absent the members present may select one of their number to take the chair, the business shall be taken up as follows, viz :

1. Calling of the roll of members.
2. Reading of the journal of proceedings of the last meeting, and if no objections are made, the president shall declare them approved.
3. Communications from the mayor.
4. Reports from officers of the several departments, read and disposed of.
5. Papers from the board of common council taken up for consideration.
6. Reports from standing committees in their order.
7. Reports from the select committees in their order.
8. Petitions read and acted upon.
9. Unfinished business.
10. New business.
11. Elections to fill vacancies in this board, if any.
12. Election of officers.
13. Adjournment.

RULE 2. The president shall preserve order and decorum, may speak to points of order in preference to other members, he shall decide questions of order, subject to an appeal to the board, at the request of any member, which appeal shall be decided without debate.

RULE 3. He shall put all questions distinctly in this form, to wit :

“As many as are of opinion (as the case may be) say aye,” and after the affirmative voice is expressed, “As many as are of the contrary opinion, say no;” if the president doubts, he shall cause a division ; those of the affirmative of the question shall first rise from their seats, and afterwards, those of the negative.

RULE 4. When any member is about to speak or deliver any matter to the board, he shall rise from his seat and respectfully address himself to Mr. President.

RULE 5. If any member is speaking, or otherwise transgress the rules, the president or any member may call to order ; in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the board shall, if appealed to, decide on the case—but without debate ; if the decision be in favor of the member so called to order, he shall be at liberty to proceed, if otherwise, and the case requires it, he shall be liable to the censure of the board.

RULE 6. When two or more members happen to rise at the same time, the president shall name the person who is first to speak.

RULE 7. No member shall speak more than twice to the same question, without leave of the board.

RULE 8. Upon a call for taking the ayes and noes on any question the president shall first be called, and then the names of the members alphabetically, and each member shall answer from his seat.

RULE 9. When a motion is made and seconded, it shall be stated by the president, or if in writing, it shall be read aloud ; and every motion shall be reduced to writing, if the president or any member request it.

RULE 10. Any member may call for a division of the question when the sense will admit it.

RULE 11. Each member shall particularly forbear personal reflections ; nor shall any member name another in argument or debate.

RULE 12. After a motion is stated by the President, it shall be deemed in possession of the board, but may be withdrawn by leave of the board, at any time before discussion.

RULE 13. When a question is under debate, no motion shall be received but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to postpone indefinitely, to commit or amend : which several motions shall have precedence in the order they stand arranged.

RULE 14. A motion to adjourn shall always be in order, and shall be decided without debate.

RULE 15. The previous question shall be in this form, "Shall the main question be put?" It shall only be admitted when demanded by a majority of the members present ; and, until it is decided, shall preclude all amendments and further debate of the main question ; on a previous question there shall be no debate.

RULE 16. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof at the same or succeeding meeting of the board.

RULE 17. The president may appoint committees unless otherwise directed by the board, and the first named gentleman shall be the chairman of the committee for this board.

RULE 18. The president shall not vote on any question, except when the board shall be equally divided, or when the ayes and noes are called, or for all persons to be elected by this board, and for the expenditures of money.

RULE 19. Motions or reports may be referred or committed, at the pleasure of the board.

RULE 20. Nothing shall be introduced by way of rider, which is irrelevant to the matter before the board.

RULE 21. On all questions for filling blanks, the largest sum and the remotest day shall be first put.

RULE 22. A majority of any committee shall be sufficient to proceed to business.

RULE 23. No standing order shall be rescinded without one day's notice given of the motion therefor.

RULE 24. No appropriation of money shall be made, except upon the first regular meeting in each month.

RULE 25. All resolutions relating to a repeal or alteration of any of the existing ordinances, shall lay over for one meeting before final action be had.

RULE 26. All committees appointed on special business relating to the city, shall report within two weeks, unless they can render a sufficient excuse for delay.

RULE 27. Either of the foregoing rules may be suspended by two-thirds of the members present voting in the affirmative.

RULE 28. The president may, during any meeting for business, appoint any member of the board present to take the chair for the time being.

RULE 29. Whoever violates any of the foregoing rules shall suffer such censure as a majority of the board may direct.

NEWTON ST. JOHN, *President.*

D. L. CUMMINS, *Clerk.*

RULES.

OF THE

BOARD OF COMMON COUNCIL.

RULE 1. The president shall take the chair at all meetings of the board, and at the hour fixed on, shall immediately call the members to order, and on the appearance of a quorum, cause the proceedings of the last meeting to be read.

RULE 2. He shall preserve order and decorum, may speak to points of order in preference to other members, he shall decide questions of order, subject to an appeal to the board, at the request of any member, which appeal shall be decided without debate.

RULE 3. He shall put all questions distinctly, in this form, to wit: "As many as are of opinion, (as the case may be) say aye," and after the affirmative voice is expressed, "As many as are of the contrary opinion, say no;" if the president doubts, he shall call a division; those of the affirmative of the question shall first rise from their seats, and afterwards those of the negative.

RULE 4. When any member is about to speak or deliver any matter to the board, he shall rise from his seat and respectfully address himself to Mr. President.

RULE 5. If any member in speaking, or otherwise, transgress the rules, the president or any member may call to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the board shall if appealed to, decide on the case—but

without debate; if the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, and the case requires it, he shall be liable to the censure of the board.

RULE 6. When two or more members happen to rise at the same time, the president shall name the person who is first to speak.

RULE 7. No member shall speak more than twice to the same question, without leave of the board.

RULE 8. Upon a call for taking the ayes and noes on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

RULE 9. When a motion is made and seconded, it shall be stated by the president; or if in writing, it shall be read aloud, and every motion shall be reduced to writing, if the president or any member request it.

RULE 10. Any member may call a division of the question when the same will admit it.

RULE 11. Each member shall particularly forbear personal reflections; nor shall any member name another in argument or debate.

RULE 12. After a motion is stated by the president, it shall be deemed in possession of the board, but may be withdrawn, by leave of the board, at any time before discussion.

RULE 13. When a question is under debate, no motion shall be received but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to postpone indefinitely, to commit or amend, which several motions shall have precedence, in the order they stand arranged.

RULE 14. A motion to adjourn shall be always in order, and shall be decided without debate.

RULE 15. The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall preclude all amendments and further debate of the main question. On a previous question there shall be no debate.

RULE 16. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof at the same or the succeeding meeting of the board.

RULE 17. The president may appoint committees unless otherwise directed by the board.

RULE 18. After the proceedings of the previous meetings are read, petitions shall be called for by the president, next reports of the standing committees, and lastly the reports of the select committees.

RULE 19. Motions and reports may be referred or committed, at the pleasure of the board.

RULE 20. Nothing shall be introduced by way of rider, which is irrelevant to the matter before the board.

RULE 21. On all questions for filling blanks, the largest sum and the most remote day shall be first put.

RULE 22. A majority of any committee shall be sufficient to proceed to business.

RULE 23. No standing order shall be rescinded without one day's notice given of the motion therefor.

RULE 24. Whoever violates any of the foregoing rules, shall suffer such censure as a majority of the board may direct.

HENRY S. LE VERT, *President.*

H. A. DONALDSON, *Secretary.*

ARTICLE I

SECTION 1

1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

3. No Person shall be a Representative who shall not, when elected, have seven Years Residence in the United States; and no Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the United States, and who, when elected, shall not, when elected, have been born in the United States.

4. The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

5. No Person shall be a Senator who shall not, when elected, have fourteen Years Residence in the United States; and no Person shall be a Senator who shall not, when elected, have been fourteen Years a Citizen of the United States, and who, when elected, shall not, when elected, have been born in the United States.

6. The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

7. No State shall appoint two Senators in the same Year.

8. The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

9. The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

10. The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

AN ORDINANCE

TO ADOPT THE COMPILATION OF ORDINANCES.

§ 1. *Be it ordained*, That the following ordinances, compiled, revised, and codified by Alexander McKinstry, Esq., be and the same are hereby adopted and approved.

CHAPTER I.—*Ordinances.*

An ordinance respecting ordinances.

ARTICLE I. City seal, - - - - -	§	1
ARTICLE II. Publication of ordinances, - - -	§	2
ARTICLE III. Mode of enforcing, - - -	§	5
ARTICLE IV. General provision, - - - -	§	23

CHAPTER II.—*Attorney of the City.*

An ordinance to create and define the duties of city attorney. - - - - -	§	31
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CHAPTER III.—*Balls.*

An ordinance to regulate and prohibit certain balls, - - - - -	§	33
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CHAPTER IV.—*Bells.*

An ordinance to regulate the ringing of bells, - - - - -	§	36
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CHAPTER V.—*Bonds.*

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An ordinance to amend an ordinance authorizing the issuance of city bonds for market purposes, - - - - -	§	43

An ordinance to raise an additional sum of money for the purpose of completing the building of the southern market, &c., - - - - -	§ 44
ARTICLE II. An ordinance to carry into effect the provisions of the eleventh section of an Act of the legislature of the State of Alabama, entitled "An Act to amend the charter of the city of Mobile, and the several Acts in relation thereto, and for other purposes, approved 6th March, 1848," - - - -	§ 49
An ordinance providing a "sinking fund" for that part of the debt of the city of Mobile created under the Act of the general assembly of this State, approved 11th February, 1843, and for other purposes, - - - - -	§ 50
An ordinance to adjust old liabilities, -	§ 57
ARTICLE III. An ordinance to carry into effect the 3d, 4th, 5th, 6th and 7th sections of an Act of the legislature of the State of Alabama entitled "An Act to amend and explain an Act entitled an Act to incorporate the Mobile and Ohio railroad company, approved January 5th, 1850, - - - - -	§ 58
An ordinance to raise a special tax on real estate to aid in the construction of the Mobile and Ohio railroad, - - - -	§ 61
CHAPTER VI.— <i>Burying Grounds.</i>	
An ordinance regulating burying grounds.	
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ARTICLE II. City sexton and his duties, -	§ 68
CHAPTER VII.— <i>Carts, Drays and Wagons.</i>	
An ordinance respecting carts, drays and wagons, - - - - -	§ 74

CHAPTER VIII.— <i>Coaches, Carriages, Cabs.</i>	
An ordinance respecting coaches, carriages, cabs, &c., - - - - -	§ 82
CHAPTER IX.— <i>Clerk of the City.</i>	
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CHAPTER X.— <i>Ditches.</i>	
An ordinance to prohibit the cutting of ditches in the streets, - - - - -	§ 91
CHAPTER XI.— <i>Drums.</i>	
An ordinance to prohibit the beating of drums, - - - - -	§ 92
CHAPTER XII.— <i>Factories.</i>	
An ordinance to regulate the establishment of soap and candle factories, - - -	§ 93
CHAPTER XIII.— <i>Fences.</i>	
An ordinance to regulate partition fences,	§ 94
CHAPTER XIV.— <i>Fires.</i>	
An ordinance concerning the fire depart- ment.	
ARTICLE I. Fire department organized, -	§ 96
ARTICLE II. Precautionary measures, - -	§ 118
ARTICLE III. Board to investigate the origin of fires, - - - - -	§ 124
CHAPTER XV.— <i>Free Negroes.</i>	
An ordinance respecting free negroes, -	§ 126
CHAPTER XVI.— <i>Gaming.</i>	
An ordinance respecting gaming, - - -	§ 128
CHAPTER XVII.— <i>Hawking and Peddling.</i>	
An ordinance respecting hawking and peddling, - - - - -	§ 131

CHAPTER XVIII.—*Health.*

An ordinance to secure the public health.

ARTICLE I. Board of health, - - - - § 133

ARTICLE II. Duty of citizens, - - - - § 135

ARTICLE III. Quarantine, - - - - § 144

CHAPTER XIX.—*Hospitals.*

An ordinance for the regulation of Hospitals.

ARTICLE I. City hospital established, - - § 155

ARTICLE II. Officers and duties, - - - § 159

ARTICLE III. Regulations, - - - - § 162

ARTICLE IV. Private hospitals, - - - § 165

CHAPTER XX.—*Houses Public.*

An ordinance to regulate and licensé inns and public houses, - - - - § 166

CHAPTER XXI.—*Inspection.*

An ordinance to provide for the inspection of hay, liquids, lumber, fire wood, weights and measures, and work.

ARTICLE I. Inspection of hay, - - - - § 167

ARTICLE II. Inspection of liquids, - - - § 171

ARTICLE III. Inspection of lumber, - - § 173

ARTICLE IV. Inspection of fire wood, - - § 175

ARTICLE V. Inspection of weights and measures, - - - - § 180

ARTICLE VI. Inspection of work, - - - § 183

CHAPTER XXII.—*Jurors.*

An ordinance to punish defaulting jurors, § 191

CHAPTER XXIII.—*Kites.*

An ordinance to prevent the flying of kites, § 192

CHAPTER XXIV.—*Lots.*

An ordinance respecting vacant lots, - - § 193

CHAPTER XXV.—*Markets.*

An ordinance to establish and regulate markets.

ARTICLE I. Markets established, - - - § 195

ARTICLE II. Renting and allotment of stalls, § 196

ARTICLE III. Election and duties of clerk of market, - - - - - § 201

ARTICLE IV. Regulations, - - - - - § 205

CHAPTER XXVI.—*Military.*

An ordinance to establish an armory for the 1st volunteer regiment, - - - - - § 216

CHAPTER XXVII.—*Milk.*

An ordinance to prohibit the sale of impure milk, - - - - - § 220

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An ordinance to regulate passengers and transient persons, - - - - - § 222

CHAPTER XXIX.—*Patrol.*

An ordinance to establish citizens' patrol, § 226

CHAPTER XXX.—*Pawnbrokers.*

An ordinance concerning pawnbrokers, - § 230

CHAPTER XXXI.—*Police.*

An ordinance respecting the city police.

ARTICLE I. General regulations, - - - § 234

ARTICLE II. City prison, - - - - - § 247

ARTICLE III. Secret fund, - - - - - § 255

CHAPTER XXXII.—*Powder.*

An ordinance to regulate the keeping of gunpowder, - - - - - § 258

CHAPTER XXXIII.—*Property of the City.*

An ordinance respecting the city property.

ARTICLE I. Municipal buildings, - - - § 267

ARTICLE II. Public squares, - - - - - § 279

ARTICLE III. City property, - - - - - § 287

CHAPTER XXXIV.— <i>Quarrelling and Disorderly Conduct.</i>	
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CHAPTER XXXV.— <i>Sabbath.</i>	
An ordinance to regulate the observance of the Christian Sabbath, - - - - -	§ 292
CHAPTER XXXVI.— <i>Shows, Theaters, Exhibitions.</i>	
An ordinance to regulate shows, theaters, exhibitions, &c., - - - - -	§ 303
CHAPTER XXXVII.— <i>Slaves.</i>	
An ordinance regulating slaves.	
ARTICLE I. General regulations, - - -	§ 308
ARTICLE II. Sale and hire of slaves, - - -	§ 314
CHAPTER XXXVIII.— <i>Streets.</i>	
An ordinance regulating streets.	
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ARTICLE II. Regulation of streets, - - -	§ 328
ARTICLE III. Shelling, paving and planking streets, - - - - -	§ 335
ARTICLE IV. Regulation of side-walks, -	§ 339
ARTICLE V. City surveyor, - - - - -	§ 347
ARTICLE VI. Right of way to rail and shell and plank roads, - - - - -	§ 354
CHAPTER XXXIX.— <i>Taxes.</i>	
An ordinance to provide for the assessment and collection of taxes.	
ARTICLE I. Assessor and assessment of taxes, - - - - -	§ 360
ARTICLE II. Tax collector and collection of taxes, - - - - -	§ 376
ARTICLE III. Assessment and collection of license taxes, - - - - -	§ 385

CHAPTER XL.—*Treasurer.*

An ordinance to provide for a city treasurer, § 403

CHAPTER XLI.—*Vagrants and Disorderly Persons.*

An ordinance to prevent vagrancy and disorderly conduct, - - - - - § 405

CHAPTER XLII.—*Water Works.*

An ordinance respecting the city water works, - - - - - § 406

CHAPTER XLIII.—*Wharves.*

An ordinance respecting wharves, and the wharf and water fronts, - - - - - § 415

And that all ordinances and parts of ordinances not contained in said compilation be and are hereby repealed.

§ 2. That this ordinance shall not take effect until the mayor shall make proclamation thereof, stating the day that it shall be in force.

§ 3. That nothing herein contained shall effect the term of office, or the salary of any officer or agent of the city until the first day of January, A. D., 1858.

Approved Dec. 2d, 1857.

J. M. WITHERS, *Mayor.*

Attest:

D. L. CUMMINS, *City Clerk.*

NOTE.—For dog ordinance see note to § 92 of ordinances.

For ordinance to number houses in streets see note to § 346 of ordinances.

For ordinance to open, etc., Dog River Road street, see note to § 339 of ordinances.

For ordinance as to government of city hospital, see note to § 169 of ordinances.

For ordinance to consolidate debts due February, 1858, see § 66 of ordinances.

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ORDINANCES.

CHAPTER I. ORDINANCES.

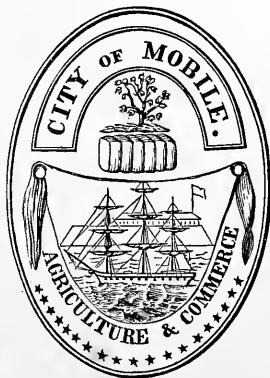
An Ordinance respecting Ordinances.

ARTICLE I. CITY SEAL.

- " II. PUBLICATION OF ORDINANCES.
 - " III. MODE OF ENFORCING.
 - " IV. GENERAL PROVISIONS.
-

ARTICLE I. CITY SEAL.

§ 1. *Be it ordained*, That the seal heretofore used by City seal the city of Mobile, here represented,



shall be and is hereby established, and declared to have been, and now to be, the seal of the city of Mobile.

ARTICLE II. PUBLICATION OF ORDINANCES.

City printer. § 2. *Be it ordained*, That there shall be a city printer elected annually in convention, who shall receive such salary, and give such bond, as may be determined at the commencement of each municipal year.

Duties of. § 3. It shall be his duty to print and publish in some newspaper published in the city of Mobile, at least once in every two weeks, all laws, ordinances, by-laws, resolutions, tax-lists, and other public acts, relating to the general weal, officially made, enacted, ordained or passed by the said mayor, aldermen and common council of the city of Mobile, at each session, last held by them, before said publication : and further to print and publish in such manner, and for such time, as the mayor of the city shall direct, all advertisements, notices or other acts, as may be deemed necessary, expedient, or proper by the mayor, aldermen and common council of the city.

Ordinance not in force until published. § 4. That unless otherwise expressly provided no ordinance, nor repeal of an ordinance, shall be of force until three days after its publication, excluding the first day of publication.

ARTICLE III. MODE OF ENFORCING.

Mayor to try offenses. § 5. *Be it ordained*, That all fines, penalties, forfeitures and recoveries, for violations of any ordinance or by-law of the city of Mobile may be tried and determined before the mayor, or any one of the aldermen or common councilmen, of the city, and shall be for the use and benefit of the city of Mobile, unless otherwise expressly provided.

Fines to be for the city. Imprisonment or labor when fine is not paid. § 6. That in all cases where the mayor or any one of the aldermen or common council of the city of Mobile, regularly sitting for the trial of offenders against the laws and ordinances now existing, or which may be hereafter ordained or passed, shall in accordance with such laws and ordinances impose any fine, penalty or forfeiture upon any person, for the breach thereof, and such person shall not comply with

and perform the judgment imposing such fine, penalty or forfeiture, he shall be committed to the city prison, until discharged by law, not to exceed the term of thirty days for any one offense ; the time to be determined by the officer trying the offender, *provided* : that any one against whom such penalty of imprisonment may be imposed, shall be entitled, if he requests it, to labor for the benefit of the city, at such labor as may be selected by the mayor, or by the street overseer, or the officer performing his duties, under the direction of the mayor, for a time not exceeding the term of imprisonment adjudged.

But any person may labor if he request it.

§ 7. When the mayor or any one of the aldermen or common council shall be holding court for the trial of offenders, and any contempt shall be committed by any person, in the presence of the court or about or in the immediate vicinity of the room in which the court is held, such person shall be fined six dollars, and may be imprisoned six hours in the city prison, one or both, for each offence.

Contempts punished.

§ 8. In all cases where fines, penalties or forfeitures, are imposed by any ordinance or by-law, the mayor, aldermen or common councilman, presiding, may impose a less amount, except where the ordinance provides for an amount not less than a given sum, then such fine, penalty or forfeiture shall not be less, than such lowest amount.

Discretion given to impose.

§ 9. In all cases where fines, penalties or forfeitures, are imposed, they shall be for, and shall extend and apply to each and every act or omission, and for each and every day's continuance, of such act or omission, when it is of a continuing character, and in addition thereto, the mayor is authorized when in his opinion the welfare of the city requires it, to remove or cause to see removed to any other place within, or out of the city, any and all persons, vessels, goods, property, obstructions, erections and nuisances, that are forbidden by any of these ordinances, to be or remain in the city or any part thereof, at the expense of the offender.

Construction of ordinances.

Power of mayor to remove nuisances.

§ 10. In all cases where the act, duty, or omission may be made punishable or shall be created by different clauses or sections of the ordinances of the city, the officer trying

Selection of law to be observed.

the case, may elect under which to proceed, and the subsequent proceedings that shall be had against the person must be in reference to such clause or section.

Fine to be from one to fifty dollars, unless otherwise provided.

§ 11. In all cases where the doing any act or the omission to do any act or duty, is required or enjoined and there shall be no fine, penalty or forfeiture declared for it, every person convicted thereof shall be fined not less than one nor more than fifty dollars.

Fines against minors, how collected.

§ 12. In all cases if the offender be a minor, the parent, guardian or employer of such minor, shall be liable for the penalty and costs.

As to slaves.

And if the offender is a slave, he shall receive any number of lashes not exceeding fifty (except where the number is otherwise expressly provided) unless his owner, employer or agent with the consent of the mayor, shall pay the fine and costs.

Bond to keep the peace in certain cases

§ 13. In all cases where there is reason to apprehend a breach of the peace, or the violation of any ordinance, or where any person is convicted of any violation of any of the ordinances, the officer examining the cause, may require bond with sufficient security, in such an amount as he shall deem reasonable, that such person shall be of good behavior, for a term not exceeding twelve months, and if such person refuse or fail to give such bond, he may be confined to labor for such time as the officer may determine, until he give the bond, not exceeding four calendar months.

And where such person is a minor or slave, the parent, guardian or employer of the minor, and the owner, employer or agent of the slave, shall give or cause the bond to be given.

Acting mayor.

§ 14. When any power shall be vested in the mayor, or he is required to do any act or perform any executive function, by these ordinances, or any other ordinance, it shall be done by the acting mayor.

No proceeding shall be affected by the repeal of any ordinance.

§ 15. That no suit, proceeding, right, fine, penalty or forfeiture instituted, created, given, secured or accrued under any ordinance previous to its repeal, shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered, as fully as if such ordinance had continued in force, unless otherwise expressly provided.

§ 16. That all summons may be in the following form: Form of summons.

STATE OF ALABAMA, }
City of Mobile. } *Mayor's Office.*

To the Marshal or any one of the Police Constables of the City of Mobile :

You are commanded to summon (Smith Jones) to appear before me on Monday, the 4th day of May, 1857, at the mayor's office of the city of Mobile, to answer to a charge of

when you will then and there make return of this summons.

Issued, Mobile, May 2d, 1857.

R. H. SLOUGH,
(Acting) Mayor.

§ 17. Or for a warrant of arrest :

Form of warrant.

THE STATE OF ALABAMA, }
City of Mobile. } *Mayor's Office.*

To the Marshal or any of the Policemen of the City of Mobile, or to any lawful officer of the State :

Complaint on oath having been made before me, that the offense of (riotous conduct in the city) has been committed, and accusing (Smith Jones) thereof,

You are therefore commanded forthwith to arrest (Smith Jones) and bring him before me.

Dated 2d of May, 1857.

Signed, HENRY S. LEVERT,
(Acting) Mayor.

§ 18. And all executions :—

STATE OF ALABAMA, }
City of Mobile. } *Mayor's Office.*

Form of executions.

To any Marshal, Deputy Marshal, Captain or Lieutenant of the Guard, or any Police Constable of the City of Mobile :

You are hereby commanded of the goods and chattels of (Smith Jones) you make the sum of (fifty) dollars, which the mayor, aldermen and common council, recovered in the mayor's court of him on the 4th day of May, 1857, besides the costs ; and make return to the mayor on the 30th day of

May, 1857, at the mayor's office in your city, how you have executed this writ.

Witness my hand this 9th day of May, 1857.

DAVID CUMMINS,

Clerk of said City.

Form of executions.

§ 19. Or this—

STATE OF ALABAMA, }
City of Mobile. } *Mayor's Office.*

Mayor's Court of Mobile, held May 4th, 1857.

To any Marshal or Police Constable of the City of Mobile:

You are hereby commanded to take the body of (Smith Jones) and him safely keep for the term of thirty days, unless the following fine and cost are paid.

THE MAYOR, ALDERMEN AND COM- MON COUNCIL OF MOBILE, vs. SMITH JONES.	} Convicted of Riotous Conduct, \$50. Expenses of Prison keepng, \$

Issued this 4th day of May, 1857.

ROBERT H. SLOUGH,

Acting Mayor.

Bail to answer criminal charge.

§ 20. Where a person is held to bail to answer for an offense against the laws of the State, the bond shall be in substance as follows :

THE STATE OF ALABAMA, }
Mobile County. }

We, (Smith Jones, Brown Smith and Smith Brown) agree to pay to the State of Alabama (five thousand) dollars, unless the said Smith Jones appear at the next term of the — court of Mobile, for Mobile county, and from term to term, thereafter, until discharged by law, to answer to the offense (of murder), and that he shall keep the peace and be of good behavior, until so discharged.

Mobile, May 5th, 1857.

SMITH JONES,
BROWN SMITH,
SMITH BROWN.

Approved,

JONES M. WITHERS, *Mayor.*

Note.

NOTE. § 3681.—The qualifications of bail are as follows :

1. Each of them must be a resident of and a householder, and a freeholder, within the State. 2. They must each be with the amount, expressed in the undertaking, exclusive of

§ 21. Form of a recognizance to appear at court and testify: Form of recognizance of witness.

THE STATE OF ALABAMA, }
 County of Mobile. }

We, A B., B C., C D., witnesses against (or in behalf of) E. F., charged with a public offense do each agree to appear at the next (city court of Mobile) of Mobile county to give evidence against (or for him) and failing so to do, to pay to the State of Alabama (or to E. F.) one hundred dollars.

Dated 1st day of May, 1857. A. B.
B. C.
C. D.

Taken before me,
 JONES M. WITHERS, *Mayor*.

§ 22. Form of commitment:

THE STATE OF ALABAMA, } *Mayor's Office of City of*
 County of Mobile. } *Mobile.* Commitment.

To the Jailer of Mobile County:

On examination of A B., charged with the offense of larceny, it appearing that such offense has been committed, and that there is sufficient cause to believe that Smith Jones is guilty thereof,

You are therefore commanded to receive him into your custody, and detain him until he is legally discharged—admit to bail in the sum of \$1000.

Dated 1st day of June, 1857.
 JONES M. WITHERS, *Mayor*.

ARTICLE IV. GENERAL PROVISIONS.

§ 23. *Be it ordained*, That where the word “convention” is used in these ordinances, it shall mean a convention Convention. of the mayor, aldermen and common council of the city of Mobile.

property exempt from execution; but the court magistrate or officer, in taking bail, may allow more than two bail to justify severally in amounts less than that expressed in the undertaking, if the whole justification be equivalent to two sufficient bail.

§ 3682.—In all cases in which there is a reasonable doubt as to the sufficiency of the bail, the court, magistrate, or officer, must require them to answer fully on their oaths as to their qualifications.

- Meaning of certain words in this code, past or present. § 24. That the words used in these ordinances in the past or present tense, include the future as well as the past or present. Words used in the masculine gender include the feminine and neuter. The singular includes the plural, and the plural the singular, the word "person" includes corporation, as well as natural person, writing includes printing on paper, oath includes affirmation, signature or subscription includes mark, when the person cannot write, his name being written near it and witnessed by a person who writes his own name as a witness.
- Masculine gender, singular and plural. Person. Writing. Oath. Signature.
- Property. The word "property" includes real and personal property.
- Real property. The words "real property" are co-extensive with lands, tenements, hereditaments and permanent fixtures thereto.
- Personal property. The words "personal property" includes money, goods, chattels, things in action, evidences of debt, bills, bonds, notes, deeds, and conveyances.
- Negro. The term "negro" includes mulatto, free persons of color and all persons 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.
- Vessel. The word "vessel" shall include steamboats, steamers, boats, barges and all water craft.
- Municipal year. § 25. That the municipal year shall commence on the first Monday in December in each year.
- Official bonds. The municipal year for the commencement of the terms of officers, not otherwise expressly provided for, shall commence on the first day of January, in each year.
- § 26. All official bonds shall be made payable to the mayor, aldermen and common council of the city of Mobile, and shall require security, and be conditioned "Faithfully to perform the duties of his office according to the provisions of the charter of the city of Mobile and the several amendments thereto, and all orders, ordinances, by-laws, and resolutions of the mayor, aldermen and common council of the city of Mobile now in force or hereafter to be made, to the satisfaction of the said mayor, aldermen and common council."

§ 27. The form of the treasurer's bond shall be in substance as follows : Treasurer's bond.

STATE OF ALABAMA, }
 City of Mobile. } *Mayor's Office.*

We, Henry A. Donaldson, Brown Smith, Smith Brown, and John Smith, acknowledge ourselves to be indebted to the mayor, aldermen and common council of the city of Mobile, and their successors in office, in the sum of fifteen thousand dollars, for the payment of which, we bind ourselves and our heirs, executors, administrators, and assigns, jointly and severally, by these presents.

Signed with our hands and sealed this twenty-sixth day of December, in the year of our Lord one thousand eight hundred and fifty-seven.

On the condition, that whereas, the said Henry A. Donaldson, was on the twentieth day of December, A. D. 1857, elected (or appointed) by the (mayor, aldermen and common council) of the city of Mobile, treasurer of the city of Mobile, for the municipal year ending on the thirty-first day of December, 1858,

If he shall well and truly execute and perform all of the duties of the said office according to the provisions of the charter of the city of Mobile and the several amendments thereto, and all orders, ordinances, by-laws and resolutions of the said mayor, aldermen and common council of the city of Mobile, now in force or hereafter made, to the satisfaction of the said mayor, aldermen and common council, then this obligation to be null and void, otherwise to remain in full force and effect.

HENRY A. DONALDSON, [SEAL.]
 BROWN SMITH, [SEAL.]
 SMITH BROWN, [SEAL.]
 JOHN SMITH, [L. S.]

Witness.

- A. B.
- B. C.

§ 28. Every officer in the service of the city shall take the following oath (or affirmation) before he shall discharge any of the duties of his office : Oath of office.

I solemnly swear, that I will support the Constitution of the United States, and of the State of Alabama, and the charter and ordinances and by-laws of the city of Mobile, while I remain a citizen thereof, and that I will truly and faithfully execute and discharge the duties of (treasurer of the city of Mobile) to the best of my knowledge and ability, so help me God.

HENRY A. DONALDSON.

Subscribed and sworn to before me, }
 Mobile, 29 December, 1857. }

JAMES M. WITHERS, *Mayor*.

Vacancies,
 how filled.

§ 29. When any vacancy occurs in any office it shall be filled at once. In the case of the mayor or any one of the aldermen or common council as is provided by the charter.

In all other cases by the body or persons originally electing or appointing.

And the mayor is authorized to fill all vacancies until such election or appointment.

Mayor may
 suspend offi-
 cers.

In every case the mayor is authorized and empowered to suspend any officer or agent of the city from the discharge of any or all of his duties, until (where the officer is elected by the convention) the boards of aldermen and common council shall direct such officer to resume his duties.

Mayor may
 remove.

In all other cases for such time as he may see fit or he may remove such person from office.

Record of
 ordinances,
 &c., to be
 kept in the
 clerk's office.

§ 30. That a complete record shall be kept in the office of the clerk of the city, of every ordinance, by-law and joint resolution of the city, with the date of approval and publication and all proclamations of the mayor with full and complete indexes thereto.

CHAPTER II.

ATTORNEY FOR THE CITY.

An Ordinance to create and define the duties of City Attorney.

§ 31. *Be it ordained*, That there shall be elected annually by the convention, a city attorney, whose duties shall be

Election of attorney and duties.

To institute and carry on all actions at law, and 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.

Conduct suits.

To appear before the police court, when notified by the mayor, and prosecute all persons charged with a violation of any law or ordinances of the city.

Appear and attend at police court when requested by the mayor.

To investigate all titles on behalf of the city, when requested, and furnish reports thereof.

Investigate titles.

To give his opinion in writing on questions of law to the mayor, and boards of aldermen and common council, whenever requested.

To give opinions.

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

To write contracts.

To furnish the mayor with a statement in writing if required, 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 confidential matters, relating thereto.

To inform the mayor.

To furnish the mayor and both boards, with a written statement of suits pending, wherein the city is interested, at least twice in each year and oftener if necessary.

To inform the mayor and boards.

To pay over all money collected by him as attorney for the corporation, within five days after the collecting thereof.

To pay over all money.

§ 32. That he shall give bond in the sum of one thousand dollars, and be paid a salary of one thousand dollars, payable quarterly.

Bond and salary.

CHAPTER III.

BALLS.

An Ordinance to regulate and prohibit certain Balls.

Masked or public balls not to be given unless permitted by mayor.

§ 33. *Be it ordained*, That it shall not be lawful for any person to give or hold any masked or other public ball, or any party where licentious or disorderly persons may congregate within the city, unless with consent of the Mayor in writing, on penalty of fine of fifty dollars.

No free negro or slave to give balls.

§ 34. That no free negro or slave, shall hold, or suffer or permit any other person to hold, have or keep any ball, dancing or other like amusements, at their houses or upon the premises which they occupy, or in or about the same at any time between sundown and sunrise, under penalty of a fine of twenty dollars: *Provided*, That this shall not extend to those slaves who congregate on the premises of their owners or employers, and under their supervision.

No free negro to attend balls.

§ 35. That if any free negro shall be found attending any of said balls, places for dancing, or other like amusements, he shall be fined ten dollars, and any slave violating this section shall be whipped with twenty-five lashes, unless the person having control of him will pay five dollars.

CHAPTER IV.

BELLS.

An Ordinance to regulate the ringing of Bells.

Bells larger than a hand-bell not to be rung.

§ 36 *Be it ordained*, That no person shall ring any bell within the city of Mobile, larger than an ordinary hand bell, except it be church bells, tavern, shipping, or steamboat bells, and bells giving an alarm of fire, insurrection or riot, and the market bell, under penalty of fine of ten dollars; and if the offender be a slave, he shall receive not exceeding twenty lashes, unless the person having control of him will pay the fine.

CHAPTER V.

BONDS.

ARTICLE

1. An Ordinance to authorize the issuance of City Bonds for the purchase of property for market purposes, &c.
An Ordinance to amend an Ordinance authorizing the issuance of City Bonds for market purposes.
An Ordinance to raise an additional sum of money for the purpose of completing the building of the southern market.
2. An Ordinance to carry into effect the provisions of the eleventh section of an Act of the Legislature of the State of Alabama, entitled "An Act to amend the Charter of the City of Mobile, and the several Acts in relation thereto, and for other purposes," approved 6th March, 1848.

ARTICLE

- An Ordinance providing a "Sinking Fund" for that part of the debt of the City of Mobile created under the Act of the General Assembly of the State, approved 11th February, 1843, and for other purposes.
An Ordinance to adjust old liabilities.
3. An Ordinance to carry into effect the 3d, 4th, 5th, 6th and 7th sections of an Act of the Legislature of the State of Alabama, entitled "An Act to amend and explain an Act entitled an Act to Incorporate the Mobile and Ohio Railroad Company," approved January 5th, 1850.
An Ordinance to raise a "Special Tax" on real estate, to aid in the construction of the Mobile and Ohio Railroad.

ARTICLE I.

An Ordinance authorizing the issuance of City Bonds for the purchase of property for Market purposes, &c.

§ 37. *Section 1. Be it ordained,* That for the purpose of paying for a certain piece of property purchased by the mayor, aldermen and common council of the city of Mobile, described as follows, to wit: lying within the said city of Mobile, and bounded east by Water street, south by Church street, west by Royal street, and north by property known as "Hitchcock's Row," belonging to various owners and for the purpose of providing for the erection of suitable market buildings thereon, the mayor of said city be, and is hereby authorized to issue the bonds of said city for the sum of one thousand dollars each, payable ten years from the date thereof respectively, with interest at the rate of eight per cent. per annum, payable annually, at the banking house of the Mobile Savings Company in the city of Mobile, upon the delivery of the coupons, which shall be attached to said bonds, severally, using in the issuance of said bonds the following form, to wit:

(Adopted
November
10, 1854.)

To pay for
southern
market.

UNITED STATES OF AMERICA, }
THE STATE OF ALABAMA, } *Mobile City Market Debt.*

\$1,000 Dolls. Eight per cent. Stock. No.

Know all men by these presents: That the mayor, alder-

men and common council of the city of Mobile, acknowledge to owe to _____ the sum of one thousand dollars, lawful money of the United States of America, which sum the said mayor, aldermen and common council, for themselves and their successors, do hereby engage well and truly to pay _____ or to _____ assigns, ten years from the date hereof, at the banking house of the Mobile Savings Company, and the said mayor, aldermen and common council, for themselves and their successors, do hereby engage to pay an annual interest on said sum of eight per cent., payable annually at the said banking house, to wit: eighty dollars at the expiration of each year from the date hereof, upon the delivery of the coupons severally hereto annexed, until the payment of said principal sum.

In testimony whereof the mayor and clerk of the city of Mobile have signed, and the treasurer has countersigned these presents, and have caused the seal of the city to be affixed this _____ day of _____ in the year of our Lord one thousand eight hundred and fifty.

Provided, That the number of bonds to be issued for the purchase of said land shall be limited to forty-four, and shall be numbered on their face from one to forty-four, consecutively, and that none of said forty-four bonds shall be issued until good and sufficient warranty deed of said property shall have been executed by the owners thereof to the trustees hereinafter named, to be approved by the mayor and city attorney: *and provided further*, that any bonds issued for the erection of market buildings on said premises shall be numbered on their face, commencing at number forty-five and continuing consecutively, and shall be countersigned by the chairman of the market committee of the boards of aldermen and common council.

§ 38. *Section 2.*—That the mayor of the city of Mobile, the president of the Fireman's Insurance Company and the president of the Mobile Savings Company or whoever may for the time being hold said respective offices, be, and they are hereby constituted trustees, to be known as trustees of the city market property.

Trustees of
market pro-
perty.

§ 39. *Section 3.*—That in order to secure the bonds pro-<sup>Bonds se-
cured.</sup>vided for in the first section of this ordinance and the prompt payment of the interest thereon, the deeds to the property described in the first sections of this ordinance, shall be made to the aforesaid trustees, who shall hold the title to the same until all the bonds issued under this ordinance shall be fully paid, and when said full payment shall have been made, the said trustees shall convey the said title to said property to the mayor, aldermen and common council of the said city of Mobile: *Provided*, that in case of the non-payment at maturity of any of the bonds or coupons issued by authority of this ordinance the trustees shall sell at public auction to the highest bidder, so much of the above described property and improvements as shall be required to pay off said bonds, and coupons, after having given twelve months' notice of said sale in some newspaper published in the city of Mobile: *Provided*, that if at any time previous to the time named for offering said property for sale, the money for the payment of said bonds or coupons shall be deposited with the trustees, it shall be their duty to pay the same, in which case the property advertised shall not be offered for sale.

§ 40. *Section 4.*—That when the market buildings pro-<sup>Proceeds of
rent of mar-
ket.</sup>posed to be erected on the premises aforesaid, shall be completed, the stalls in the same shall be rented annually for cash in advance, at such time and under such regulations as the mayor, aldermen and common council may from time to time prescribe, and that out of the proceeds of said annually renting, as soon as the same is collected, there shall be paid over to said savings company, by the treasurer of said city, under direction and supervision of said mayor, aldermen and common council, such sum or sums as may be necessary to meet all the coupons, falling due, during the year then next ensuing, and a further sum of not less than five thousand dollars, and more if deemed necessary by said trustees, to be held by said savings company as a sinking fund for the final liquidation of the bonds aforesaid, unless disposed of as provided in the fifth section of this ordinance, and a strict compliance with the provisions of this ordinance, so

far as applicable to him, is hereby enjoined upon whomsoever shall at any time be the treasurer of said city, as a part of the duties appertaining to his office.

Proceeds of
rent of mar-
ket.

§ 41. *Section 5.*—That whenever at any time the amount on deposit as a sinking fund, as aforesaid, shall reach the sum of five thousand dollars, it shall be the duty of the mayor to give public notice of such fact, by advertisement in some newspaper published in the city of Mobile, whereupon, any person or persons holding any of the aforesaid market bonds, may present the same to the said savings company for payment, and it shall be the duty of the said savings company to pay the same in the order of their presentation, until the entire amount, so on deposit, shall have been paid out: and any bond which may be paid before the maturity, and all coupons, for the interest thereon, shall be given up at the time the same may be paid.

City may re-
move the
proceeds
from savings
company.

§ 42. *Section 6.*—That the mayor, aldermen and common council of the city of Mobile hereby reserve the right, at any time, to remove the deposits named in this ordinance to any other depository, on giving the said savings company thirty days' notice of their intention so to do, and the said savings company shall have the reciprocal right of surrendering (or refusing to take said deposits,) on giving the same notice to the said mayor, aldermen and common council, who shall on receiving said notice select another depository.

Savings
company
may surren-
der.

An Ordinance to amend an Ordinance authorizing the issuance of City Bonds for market purposes.

(Adopted
May 1st,
1855.)

Bonds and
coupons may
be made pay-
able in New
York.

§ 43. *Section 1.*—That that portion of the ordinance authorizing the issuance of the city bonds for market purposes as approved 10th November, 1854, which requires that the bonds be made payable at the banking house of the Mobile Savings Company be, and the same are hereby repealed, so far as relates to the bonds and coupons that may be issued for the purpose of paying for the erection of market buildings, and that the mayor, and joint market committee are hereby authorized to make those bonds and coupons payable in the city of New York: and that on such bonds, as

are already executed, the mayor be, and he is hereby authorized to make the proper indorsement for carrying into effect the object and intent of this ordinance.

An Ordinance to raise an additional sum of money for the purpose of completing the building of the Southern Market, &c.

§ 44. *Section 1.*—That in order to raise an additional sum of money, for the purpose of completing the building of the Southern market, and to pay the outstanding indebtedness against the same, the mayor of said city shall cause to be issued the bonds of said city to the amount of forty thousand dollars, which bonds shall be numbered from one hundred and one (101) to one hundred and forty-one (141) inclusive, and shall be made payable ten years after the date thereof, at the banking house of the Merchants' Bank of New York in the city of New York, with interest at eight per cent. per annum payable annually at said banking house, which bonds shall be in the same forms, executed in the same manner, and accompanied with coupons, in the same way as were the bonds prescribed by an ordinance of said bonds, on the same subject, approved November 10th, 1854, and amended by an ordinance, approved May 1st, 1855, and when so executed, shall be delivered to the joint finance, law and auditing committee, who are hereby authorized to sell the same for the purpose aforesaid.

(Adopted,
March 22,
1856.)

To complete
southern
market.

§ 45. *Section 2.*—That in order to secure the punctual payment of said bonds, and interest thereon, all the rents and income of every kind, derivable from said market building and stalls, necessary for this purpose and not heretofore pledged, are hereby pledged and made liable to the payment of said bonds, and interest thereon, and to make such pledge available, the treasurer of the city corporation shall, out of the said fund, deposit in the banking house of the Mobile Savings Company in the city of Mobile, on or before the first Monday in December in each and every year, an amount sufficient to pay the interest accruing for the then present year, on all said bonds, and the chairman of the finance, law and auditing committee, together with the

To secure
the payment
of the bonds.

Treasurer
shall deposit
in the sav-
ings com-
pany.

Who drawn
by.

mayor and president of the board of aldermen, shall jointly sign a check for this amount, and remit the same to the cashier of the Merchants' Bank of New York, instructing its deposit in that bank for the purpose of paying the interest accruing for the then present year, and the cashier of the Merchants' Bank of New York shall pay the same to the holders of said bonds when said interest shall be due.

To be sent to Merchants' Bank, N. Y.

And the said treasurer shall deposit in the banking house of the Mobile Savings Company in the city of Mobile, on the first Monday in December, in each and every year, the further sum of four thousand dollars, which shall be subject to such disposition as shall be made by the mayor, aldermen and common council, for the payment of these bonds, and for no other purpose whatever.

Checks for this deposit shall be signed by the mayor, and presidents of the boards of aldermen and common council.

Treasurer of city to make up any deficiency.

§ 46. *Section 3.*—That in case it shall at any time happen, for any cause, that the surplus revenue arising from said market as above pledged should not be sufficient to meet said annual installments of principal and interest, then it shall be the duty of said treasurer to deposit an amount sufficient to pay the same as before provided, out of any money then in the treasury not otherwise appropriated.

Southern market to be kept insured.

§ 47. *Section 4.*—That in order to further secure said bonds, the said mayor, aldermen and common council bind themselves in their corporate capacity to keep said market building constantly insured, and in case the same be destroyed before said bonds be fully paid, that all money received on such policy or policies of insurance shall be and is hereby appropriated to the re-building said market house and the rents and proceeds of which shall stand pledged in the same manner as if the building had never been destroyed.

This ordinance to be printed on the back of each bond.

§ 48. *Section 5.*—That this ordinance be printed on the back of each of said bonds, and shall be taken and considered as a part thereof.

ARTICLE II.

An Ordinance to carry into effect the provisions of the eleventh section of an Act of the Legislature of the State of Alabama, entitled "An Act to amend the Charter of the City of Mobile and the several Acts in relation thereto, and for other purposes." Approved 6th March, 1848.

§ 49. *Section 1.—Be it ordained,* That the said boards of ^(Adopted, July, 1848.) aldermen and common council, with the approval of the mayor, shall appoint a committee of three persons, who ^{A committee to determine the claims.} shall give notice of their appointment by advertisement in some newspaper published in the city of Mobile, and call upon all persons having claims against the corporation, that have not been arranged under the provisions of an Act entitled "An Act to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city, and for other purposes," approved 10th February, 1843, to present their claims to the said committee on or before a certain day, to be by them appointed and stated in their said notice, and upon the failure of any person having any such claim or claims to make presentment on or before the time prescribed in the notice published by the said committee as in the said eleventh section of said Act prescribed, such claim or claims shall be forever barred and no recovery shall be had thereon: *Provided,* that notice shall be given of the time and place when such presentment shall be made, by publication at least once a week, for the space of two months before the day specified.*

An Ordinance providing a sinking fund for that part of the debt of the City of Mobile created under the Act of the General Assembly of this State, approved 11th February, 1843, and for other purposes.†

§ 50. *Section 1.—Be it ordained,* That on the first ^(Adopted, January 8, 1853.) Monday in March there shall be elected by the mayor, aldermen and common council in joint convention, three ^{Trustees of the city property.} competent persons to receive from the trustees of the city of Mobile all the property described in the deed of trust

* The committee was appointed July 11th, 1848, and were Messrs. W. C. Stanley, R. A. Lewis, S. T. Douglass.

† See statement of debt in local laws in Appendix.

bearing date the 16th day of March, 1840, executed by the corporate authorities of the city, which deed is recorded in the court of probate, in book No. 1, page 284* and following, and all the money on hand, and evidences of debt held under and by virtue of the said deed, and to give to the said trustees full receipts and acquittances therefor.

The property and proceeds pledged to payment of bonds issued in 1843.

§ 51. *Section 2.*—That the money on hand, and all money due to the trustees on account of said property and all the rents which may hereafter be received and collected from all the property described in the said deed, be and the same are hereby appropriated and set apart for the payment of the bonds issued under the Act of the general assembly of the State of Alabama, approved the 11th day of February, A. D., 1843, and for no other purpose whatever.

Trustees may rent land and wharves.

§ 52. *Section 3.*—That the persons elected under the first section of this ordinance be, and they are hereby authorized to rent the different wharves, the lands and other property, belonging to the city, for one year or a term not exceeding three years, and to take from the lessee, leases with proper covenants to the city, and to collect the rents which may from time to time accrue therefrom, and the same to appropriate (after paying the necessary expenses) to the payment of the bonds aforementioned, at such times, and in such manner as the mayor and the finance committee of the boards of aldermen and common council may from time to time direct.

Proceeds to pay bonds, under direction of mayor and finance committee.

Trustees shall render an account annually.

§ 53. *Section 4.*—That the said board of trustees, shall render to the corporation of the city of Mobile an account of their transactions, which have taken place during the year.

Public square, new powder magazine, engine houses, mayor's office, &c., withheld from trustees.

§ 54. *Section 5.*—That the public square between Dauphin, St. Joseph, St. Francis and Conception streets, the new powder magazine, all public markets which may now or hereafter be owned by the city of Mobile, the engine houses, the mayor's office, and all other public buildings, such as are really necessary for the use and occupation of the corporation, in the regular administration of its affairs,

* See copy of deed in local laws in Appendix.

are withheld from the said board of trustees, and are to remain in the actual possession of the corporation.

§ 55. *Section 6.*—That said board shall be known by the name of “the trustees of the city of Mobile for the settlement of its public debt,” that one shall be elected for the term of six years, one for the term of four years, and one for the term of two years, from the first Monday in March, 1853, and hereafter an election shall be holden every two years, on the first Monday in March, by a convention of the corporation, for the retiring member of said board, when any of their terms expire, who shall serve six years, so that every two years there shall be coming into the board a new member; and in case any vacancy occurs, either by death, resignation or otherwise, a convention shall elect another trustee to fill said vacancy.

Name to be designated.

Term of office.

Time of election.

Vacancies.

§ 56. *Section 7.*—That all moneys arising, in any manner, out of the management of said trustees, from rents or otherwise, shall be deposited in the Mobile Savings Company for the uses and purposes above heretofore specified, and shall be subject to the order of a majority of said board of trustees, or such other order as may be by them agreed upon.

Funds to be deposited in savings company.

An Ordinance to adjust Old Liabilities.

§ 57. *Whereas*, By the second section of an Act of the legislature of Alabama approved 11th February, 1843, entitled “An Act to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city and for other purposes” it is declared “that the mayor, aldermen and common council of the city of Mobile may for the payment of the debt now due and owing by said city issue the obligations of said city under its corporate seal in sums not less than one hundred dollars each, bearing interest at the rate of five per centum per annum and redeemable in twenty years after the date thereof, or at any earlier period, at the discretion of said corporation,” and *whereas*, also, there yet remains unadjusted under the Act, a small portion of said indebtedness

(Adopted, June 4th, 1853.)

To issue bonds where they had not been issued under the Act of 1843, nor presented to the committee under the Act of 1848.

which was not presented or demanded in the settlement heretofore made, therefore :

Be it ordained, "That the mayor, together with the finance committee of the two boards, be authorized to settle or adjust the bonds now outstanding against the city and which were not adjusted under the Act of 1848, aforesaid, upon the same terms or same conditions and in the same manner as the balance of the city indebtedness were heretofore adjusted, and that the new bonds to be issued in such settlement shall in all things conform to said Act, and be held under its privileges, securities and obligations.

ARTICLE III.

An Ordinance to carry into effect the 3d, 4th, 5th, 6th and 7th sections of an Act of the Legislature of the State of Alabama, entitled "An Act to amend and explain an Act entitled an Act to Incorporate the Mobile and Ohio Railroad Company." Approved Jan. 5th, 1850.

Whereas, In compliance with the provisions of the above recited Act, and in pursuance of notice, an election was held at the court house in the city of Mobile, on Wednesday the 27th of February, 1850, and it appearing from the returns of said election, that over three-fifths of the freeholder votes then given were in favor of the sections of said Act above specified, and they have therefore become a law.

§ 58. *Section 1. Be it ordained*, That from and after the passage of this ordinance, that in addition to the present tax there shall annually be levied and assessed a special and separate tax of twenty-five cents, and at that rate on every hundred dollars in value of real estate, within the corporate limits of said city, to be called a railroad tax, until the amount of three hundred thousand dollars shall have been assessed and collected, said assessment to commence with the municipal year 1850.

(Adopted
March,
1850.)

Special tax
of 25 per cent
for the M. &
O. R. R. Co.
to \$300,000.

§ 59. *Section 2.* That it shall be the duty of the city tax collector, and he is hereby empowered to collect the said tax, in the same manner as other taxes are assessed and collected, under the laws and ordinances now in force.

He shall from time to time pay the moneys collected under this ordinance and the Act above mentioned, to the treasurer of the Mobile and Ohio Railroad Company, after deducting 2 per cent. for fees of collection.

He shall enter in a well-bound book the names of all persons who shall pay assessments as herein provided, and shall annually return a copy of said book to the said company; and shall furnish to each person or persons a separate receipt for said railroad tax.

An Ordinance to raise a special Tax on Real Estate to aid in the construction of Mobile and Ohio Railroad.

§ 60. *Whereas*, by Acts of the general assembly of the State of Alabama, approved the 5th of January, 1850, and the 20th of December, 1851,* authority has been vested in the mayor, aldermen and common council of the city of Mobile to levy a special tax on all real estate within the limits of said city, for the purpose of promoting the construction of the Mobile and Ohio Railroad, *provided* the same should be sanctioned by the owners of freehold estates in said city, and by tenants under leases for a term of five years and upwards (ascertained by a vote and by a majority of three-fifths of the votes) in the mode and manner provided by the said two Acts,

And *whereas*, in pursuance of the authority of said Acts, the sense of the said owners of real estate and tenants as aforesaid has been duly ascertained in the mode provided by the said Acts, whereby the power to levy such tax has become perfect and complete and may be lawfully exercised by the mayor, aldermen and common council of Mobile for the purpose aforesaid,

* These Acts are inserted among the private laws.

And it being deemed that the exercise of said authority would greatly advance the prosperity of said city and promote its best interests, therefore,

(Adopted Feb. 27, 1852.)
A tax of two per cent. levied for five years.

§ 61. *Section 1.* *Be it ordained,* That there shall during the term of five years next ensuing, be annually levied, assessed and collected in addition to the general city taxes, a special and separate tax of two per centum per annum, and at that rate, on every hundred dollars, in value of and on all the real estate, within the limits of the city of Mobile, to be called a railroad tax: the said levy to commence with the assessment of the present year, and to continue to be levied on the assessment of each succeeding year for the said term of five years.

Tax collector shall collect.

§ 62. *Section 2.* That it shall be the duty of the city tax collector and he is hereby required to collect the said tax annually in the same manner as other assessed taxes are collected, under the laws and ordinances now in force.

Pay over daily.

He shall duly pay over the money to be collected under the ordinance and the laws above stated to the Mobile and Ohio Railroad Company, after deducting one-half of one per cent. on the amount collected by him for his services in collecting and paying over the same, and the whole shall be so paid over except as hereinafter is specially provided.

He shall record the names of persons paying.

He shall record in a well-bound book the names of all parties who shall pay assessments as herein provided, and also the amounts so paid by them, and shall annually return a copy of said book to the said company, and shall furnish to each person or party so paying such tax, a separate receipt therefor for the sum so specially paid; every hundred dollars of which railroad tax so paid and receipted for shall entitle the holder thereof to one share of the capital stock of the Mobile and Ohio Railroad Company: *Provided*, that those who have personally subscribed to the stock of the Mobile and Ohio Railroad Company shall, for all sums paid on said stock over and above twenty per cent., be allowed the same from the tax collectable under this ordinance and the Acts aforesaid.

Return a copy of such book to the company.

Furnish a separate receipt.

Holder entitled to stock.

Provided.

§ 63. *Section 3.* That it shall be the duty of the mayor of the city, when requested by the said Mobile and Ohio Railroad Company, for the purpose of anticipating so much of the said railroad tax as shall accrue for the years eighteen hundred and fifty-five and eighteen hundred and fifty-six to cause to be issued and to deliver to said company the bonds of the corporation, for an amount not exceeding in the whole, the sum of two hundred thousand dollars, to be redeemed by the taxes for the year eighteen hundred and fifty-five, and the sum of two hundred thousand dollars, by the taxes for the year eighteen hundred and fifty-six. The said bonds to be issued for sums of one thousand dollars each, under the seal of this corporation, payable to the order of the Mobile and Ohio Railroad Company and bearing interest till paid, semi-annually, at a rate not exceeding eight per cent. per annum. The said bonds to be redeemed and paid at any time during the said years eighteen hundred and fifty-five and eighteen hundred and fifty-six, respectively, as this corporation may think proper, and to be paid, with so much of the special taxes of said years respectively, as shall be necessary to discharge the same. The form of the said bonds and the coupons for interest to be such as the said company shall designate, with the assent of the mayor and the presiding officers of the boards of aldermen and common council.

Mayor may issue bonds to the amount of \$200,000 when requested by railroad company.

§ 64. *Section 4.*—That the said taxes to be raised under the authority of this ordinance, and of the Acts of the general assembly aforesaid, for the said years eighteen hundred and fifty-five and eighteen hundred and fifty-six respectively, are hereby pledged to the amount of said bonds for the redemption and payment thereof, and for the interest thereon during said years respectively, and the said taxes are hereby appropriated for said purpose, and it is declared that they shall be respectively applied to redeem and pay the same: and in like manner the annual tax accruing for the years eighteen hundred and fifty-two—fifty-three—and fifty-four respectively, that is to say so much thereof as shall be requisite, is pledged, appropriated, and directed to

Taxes for the years 1855, 1856 pledged to the amount of bonds; also, 1852, 1853, 1854.

be applied to pay the installments of interest, to fall due semi-annually on said bonds: each for its respective year.

To be deposited by tax collector in Bank of Mobile.

And it is further provided that all sums, which shall be collected by the said tax collector, and which shall be necessary for the payment of said bonds and of said interest as appropriated by this ordinance, shall be paid into the Bank of Mobile, to be applied to redeem said bonds and pay said interest, anything in this ordinance contained to the contrary notwithstanding, and to this effect the said company, before the issuance of said bonds, shall be required to file their consent in the records of this corporation, that so much of said taxes annually as shall be so retained by this corporation to be applied to discharge said bonds and interest.

Repeal of Acts inconsistent with this.

§ 65. *Section 5.*—That all ordinances conflicting with the provisions herein contained be repealed and that the said tax hereby provided for shall in all things be raised and applied in conformity with the provisions of the said Act approved December 20th, 1851, entitled “An Act to authorize the corporate authorities of the city of Mobile to levy a special tax.”

NOTE.—An Ordinance to consolidate the debts of the City of Mobile due on the 6th February, 1858, other than Bond Debts and Coupons, and for the payment of the same. (Passed since the adoption of Code.)

Section 1. Be it ordained, That for the purpose of consolidating the debts due by the city of Mobile on the 6th day of February, 1858, and appropriating the means provided for the payment of the same under authority of the 2d section of an Act of the legislature approved February 6th, 1858, entitled An Act to amend an Act approved January 15th, 1844, to consolidate the several Acts of incorporation of the city of Mobile, and to alter and amend the same, the joint finance committee shall ascertain the amount of indebtedness due by the city of Mobile on the 6th day of February, 1858.

Section 2. That the mayor of this city be, and he is hereby authorized to issue the bonds of the city for the sum of sixty thousand dollars in sums not less than one hundred or exceeding one thousand dollars each, one-fifth of the total amount being made payable in one year, one-fifth in two years, one-fifth in three years, one-fifth in four years, and one-fifth in five years, from the date thereof respectively, with interest at the rate of eight per cent. per annum severally using in the issuance of said bonds the following form, to wit:

UNITED STATES OF AMERICA, }
THE STATE OF ALABAMA. }

Funded debt city of Mobile, February 6th, 1858. \$ ——— eight per cent. stock No.——.

Know all men by these presents: That the mayor, aldermen and common council of the city of Mobile, acknowledge to owe to ——— the sum of ——— dollars lawful money of the United States of America, which sum the said mayor, aldermen and common council for themselves and their successors, do hereby engage well and truly to pay ——— or to ——— assigns, ——— years from the date hereof, at the banking house of the Bank of Mobile; and

the said mayor, aldermen and common council for themselves and their successors, do hereby engage to pay an annual interest on said sum of eight per cent. payable annually at said banking house, to wit: — dollars at the expiration of each year from the date hereof, upon the delivery of the coupons severally hereto annexed, until the payment of said principal sum. In testimony whereof, the mayor and clerk of the city of Mobile have signed, and the treasurer has countersigned these presents and have caused the seal of the city to be affixed, this — day of — in the year of our Lord —.

Section 3. That for the security of the holders of the bonds described in the 2d section of this ordinance and for the ultimate payment of the same and annual interest thereon, all the taxes now collected or which may hereafter be collected under authority of the Act of February 6th, 1858, shall be and are hereby pledged and appropriated. And it is hereby made the duty of the city tax collector and his successors in office to deposit weekly in the banking house of the Bank of Mobile, all the moneys which he may collect under authority of this Act, making reports of the same to the boards of aldermen and common council. And it shall be the duty of the proper officer of the Bank of Mobile to pay from this deposit all coupons for interest or bonds as they mature, and cancel the same forthwith, returning them to the city treasury. If at the time of maturity of any of these bonds or coupons the amount on deposit in the Bank of Mobile is not sufficient for the full payment thereof then it shall be the duty of the city treasurer to deposit from the city treasury an amount sufficient to meet all the bonds or coupons then due, and to check out the same amount when it shall have been deposited by the tax collector as above directed.

Section 4. The city treasurer shall open a distinct account, to be styled the *special fund* account, and shall credit it with all moneys deposited by the city tax collector in the Bank of Mobile, as provided for in Section 3, and debit the account with all bonds and coupons as they are paid canceled and returned to his office, making annual reports of the same.

Section 5. That out of the moneys received from the sale of these bonds the treasurer, under the direction of the mayor and the chairman of the joint finance committee, shall proceed to the full payment of the debts due by the city on the 6th of February, 1858, commencing by first paying all debts under the sum of fifty dollars, then all debts under the sum of one hundred dollars, continuing to pay the balance as they may be presented: *Provided* that nothing herein contained shall prevent the settlement of any debt due by the city when the creditor will accept the bonds at par value in payment thereof.

CHAPTER VI.

BURYING GROUNDS.

An Ordinance regulating Burying Grounds.

ARTICLE I. GENERAL REGULATIONS.

" II. CITY SEXTON AND HIS DUTIES.

ARTICLE I. GENERAL REGULATIONS.

Established. § 66. *Be it ordained*, That the two lots of land lying in the city of Mobile and used as burial places, be and are hereby established, as public burying grounds, that one located between Government, Munroe and Wilkinson, to be called "the old grave yard," and that one located between Vermont, Maryland, Owen and Gayle streets to be called "the new grave yard."

" Old grave yard."
" New grave yard."
Bodies not to be buried at any other place.
Penalty. § 67. That the bodies of deceased persons shall not be buried at any other place within the limits of the city, a violation of this section to be punished by a fine of fifty dollars for each body.

Persons owning lots shall conform to regulations.
Penalty. § 68. That all persons owning lots in said cemeteries shall, in fencing the same and in planting trees or shrubs, conform to the regulations adopted by the city, under penalty of twenty dollars, and such fence, tree or shrub shall be removed.

Unlawful to tie horse or mule to any tree or shrub.
Penalty. § 69. That it is unlawful to hitch or tie any horse, mule, or other animal to any ornamental tree or shrub, that is or may be planted in either of the burying grounds, under penalty of five dollars.

Treasurer shall open an account, "the cemetery fund."
§ 70. That the city treasurer shall open an account to be known as the cemetery account; crediting such account with all money received from the city clerk for the sale of lots and permits, order, &c., and charging the same, with the amount paid to city sexton, clerk, and expenses properly appertaining thereto. It shall be his duty to pay to the

city sexton monthly on an order signed by the mayor, all money received by him for fees for interments in the city cemeteries, first deducting therefrom, twenty per cent. of said amount.

To pay to sexton monthly.

This sum together with all other sums accruing under this ordinance shall be set apart, not exceeding nine hundred dollars, for the improvement and embellishing of the city cemeteries. That two hundred dollars of it shall be set apart for the extra payment of the city clerk; the remainder shall be paid into the city treasury to be used as a part of the city revenue.

Not exceeding \$900 set apart to improve grounds.

\$200 for clerk.

Balance paid into city treasury.

The amount received for embellishing the city cemeteries shall be expended under the direction of the joint committee of public grounds and property, who shall report such expenditures to the boards.

Improvements to be made by committee of public grounds.

The treasurer shall pay the amount so expended on an order signed by the mayor and chairman of the committee.

How expended.

The treasurer shall make monthly reports to the boards of all moneys thus received and expended.

Treasurer to make monthly reports.

ARTICLE II. CITY SEXTON AND HIS DUTIES.

§ 71. That there shall be elected annually in convention a city sexton who shall give bonds in the sum of twenty-five hundred dollars, whose duty it shall be to take care that the fences and walls are not injured.

Sexton elected. Bond. Duties.

To keep the walks and inclosures of the cemetery clean and in good order.

Keep walks, &c., clean, &c.

To permit no encroachments to be made therein, and no defacing of tombs or monuments, or profanation of any kind to take place.

He shall direct or oversee the digging of all graves and cause each grave to be dug at least five feet deep, and to be placed in conformity to the plan or plot of the grounds, and avenues, and to be so dug that all monuments may face the respective avenues, unless otherwise directed by the mayor.

Direct the digging of graves, &c.

- Mayor to decide disputes. The decision of the mayor shall be his guide in all cases of disagreement with any lot owner.
- See graves covered. He is required to see every grave properly covered, to preside at the opening or closing of all tombs or vaults;
- Keep map. To keep a map of the grounds with all the names of the lot owners, names of avenues and walks, which map must be kept clean and neat, and to be transmitted to his successor in office; for any violation or neglect of the provisions of this section he shall be fined fifty dollars.
- Penalty.
- Paupers to be buried. § 72. That the city sexton shall bury all paupers, furnish a plain pine coffin therefor, and carry the corpse from any point in the city to the new cemetery and there deposit it in the grave, free of all charge to the city.
- No body to be interred without a certificate of name, age, sex, &c. § 73. That no "body" or "corpse" shall be removed for interment in the city cemeteries, or in any cemetery out of the city, without first having obtained the certificates of the attending physician or of two citizens, stating the name, age, sex, color, nativity, disease of the deceased, and date of death, and if the physician refuses or neglects to give such certificate he shall be fined fifteen dollars. Or in case of death by murder, fraud, force, violence, or casualty, then the certificates of the coroner, or jury, which certificate shall be presented to the city clerk, who shall thereupon enter the particulars set forth in the certificate, the number of the lot or place wherein the corpse is to be interred, in a book properly kept, known as the "register of deaths;" the clerk shall then issue the permit and order for burial directed to the sexton, and require the payment of the following fees :
- Physician shall give certificate.
- In case of murder or violence.
- Clerk to make register of deaths and order burial.
- Fees. When the interment is to be in the city, children under twelve years of age, \$4 00 ; for persons over twelve years of age, \$6 00 ; when out of the city limits, in all cases, \$2 00.
- In case of sickness of clerk, sexton may act. In case of sickness of the clerk, and on the Sabbath day, he may provide the sexton with blank permits to be used when necessary.
- The sexton shall be held accountable for their lawful application in the same manner and to the same extent as the clerk.

The city clerk shall pay over to the city treasurer, weekly, all amounts received by virtue of this ordinance. He shall keep a map similar to the one kept by the sexton, upon which he shall make the same entries. It shall be his duty to sell any lot or lots, and issue deeds therefor.

Clerk shall pay to the treasurer weekly.
 Shall keep map.
 He shall sell the lots, &c

For all of which services he shall receive the sum of two hundred dollars per annum, payable quarterly out of the cemetery fund.

Salary of clerk.

It shall be the duty of the city sexton to keep at his office a copy of the "register of deaths," and to make a monthly and annual report to the boards of aldermen and common council of all of the particulars contained therein.

Sexton to keep copy of register of deaths, and make monthly reports.

It shall not be lawful for the city sexton to be interested either directly or indirectly in the purchase or sale of any lot in the city cemeteries except for his own family use.

Not to be interested in any lot.

For a violation of any of the provisions of this ordinance he shall be fined fifty dollars.

Penalty.

The clerk shall issue permits for the burial of paupers without any fee, but he shall require a certificate from the sexton, signed by the attending physician or by two credible citizens, that deceased was a pauper.

Clerk to issue permits.

CHAPTER VII.

CARTS, DRAYS, WAGONS.

An Ordinance respecting Carts, Drays, Wagons, &c.,

§ 74. *Be it ordained*, That the owner of each and every dray, cart or wagon kept for hire or employed in hauling, or used for any purpose within the limits of the city, shall obtain a license to run such dray, cart or wagon, to be issued by the mayor under the seal of the corporation, and countersigned by the clerk.

License.

The clerk shall number said licenses beginning with No. 1, for each, and terminating in each case with the highest number issued during the term of one year, commencing on

Clerk shall number.

the first day of January, April, July or October of each year, and terminating twelve months thereafter.

Fee. The sum of fifteen dollars shall be paid in advance for such license.

Not to extend to produce wagons, &c. This ordinance shall not extend or apply to wagons and carts employed in hauling for the owner, the products of his farm, and wagons and carts used for private family use where no money is received, nor to carts employed solely in the service of the city.

Owner to number dray, &c. § 75. That the owner of every dray, cart or wagon required to take out a license shall cause the same to be numbered on the left side with the number of the license issued as for said dray, cart or wagon, with plain and conspicuous figures, such as may be prescribed by the clerk of the city.

Penalty. If any dray, cart or wagon shall be used without being so licensed and numbered, the owner shall be fined five dollars for each day.

Clerk keep a book of names. § 76. That the clerk of the city shall keep a book in which he shall enter the names of all owners of drays, carts or wagons, and the number and date of each license.

Transfers to be entered. That every sale or transfer of any dray, cart or wagon shall be made known to said clerk at his office, and he shall make an entry thereof; and if the owner fail or neglect to notify the clerk, of the sale or transfer, within five days thereafter, the license is declared to be forfeited.

Driver of cart or dray compelled to take load. § 77. That every driver of a cart or dray used for public hire, when unemployed shall go to any place in the inhabited part of the city to which he may be directed, and there load his cart or dray, and shall not refuse to take such load to such other place in the inhabited parts of the city as he may be required, under penalty of five dollars, and if he be a slave, not exceeding twenty lashes.

Load defined. § 78. That every driver of a cart or dray shall, if required, take upon his cart or dray a full load and no more.

A full load is 3 bales of cotton.

5 barrels or 20 kegs of lard.

1 hogshead of tobacco.

30 bushels of corn.

- 1 hogshead or 5 barrels of sugar.
- 2 tierces of rice.
- 3 barrels of molasses.
- 10 coils bale rope.
- 8 sacks coffee.
- 12 pieces bagging.
- 5 barrels pork or other salted provisions.
- 8 barrels loaf sugar.
- 5 barrels mackerel.
- 8 barrels flour.
- 8 barrels coal.
- 4 bales hay.
- 8 barrels potatoes.
- 4 bales moss.
- 8 barrels beans.
- 12 kegs nails.
- 10 boxes tobacco.
- 2 casks bacon.
- 5 barrels tar.
- 7 sacks salt.
- 6 barrels rosin.
- 40 bushels of oats.
- 1 pipe brandy.
- 8 barrels apples.
- 2 casks claret or other liquor.
- 4 barrels whiskey or other liquors.

And a load of any article not enumerated or of which only a part is enumerated shall not exceed in weight fifteen hundred pounds.

§ 79. That every driver of a cart or dray shall be entitled to demand and receive of the person who employs him the following prices: Drayage and cartage fee.

For every bale of cotton,	- - - - -	10 cents.
For every load conveyed to any place within half a mile	- - - - -	25 cents.
For every load conveyed to any place exceeding half a mile and not more than one mile,	- -	40 cents.
For every load to a place exceeding one mile at the rate per mile of	- - - - -	40 cents.

Driver of
cart, dray,
wagon, &c.,
to keep on
right side of
road.

§ 80. That every driver of drays, carts, wagons, and carriages of burthen or pleasure, driving in and through the streets, lanes and alleys in the city of Mobile, where there is sufficient room for two to pass, shall keep on that side of the street, lane or alley which is on his right hand in the passing direction, under penalty of five dollars, and if a slave ten lashes, unless his employer will pay the fine.

Penalty.

Shall have
strong reins.

§ 81. That no person shall sit or stand in or upon any dray, cart, wagon or carriage of burthen or pleasure or on any horse or beast harnessed thereto, unless he shall have strong reins or lines fastened to the bridle of the horse or beast, and held in his hands, sufficient to guide and restrain them from running, galloping or going at immoderate speed through the streets, lanes, or alleys of the city.

Not to gal-
lop, &c.

That no person driving or riding any horse or beast in the city shall permit or suffer such horse or beast to go in a gallop or other immoderate gait.

Penalty.

Any one violating this section shall be fined five dollars, and if a slave twenty lashes, unless his employer pay the fine.

CHAPTER VIII.

COACHES, CARRIAGES, CABS, &c.

An Ordinance respecting Coaches, Carriages, Cabs, &c.

License for
cab, &c.

§ 82. *Be it ordained,* That the owner of every carriage, hack, cab, or omnibus, kept for hire or for the conveyance of passengers, shall pay annually in advance into the city treasury fifteen dollars.

License for
buggy, &c.

And the owners of every buggy, gig or sulky so kept, shall pay annually in advance into the city treasury, ten dollars,

Which shall authorize them to run within the city under the regulations and penalties of the city ordinances.

Hack and
cab hire.

§ 83. That the drivers of such vehicles shall be permitted to charge the following rates and no more :

To any place in the city not exceeding half a mile for each passenger with baggage not exceeding one hundred pounds in weight, - - 50 cents.

To any place exceeding one-half mile and less than one mile, - - - - - 100 cents.

To any place exceeding one mile at the rate per mile, - - - - - 50 cents..

And any owner or driver of a licensed vehicle may upon agreement with passengers, charge at the rate per hour for the use of the whole carriage for four persons, - - - - - \$1.00.

The owner or driver may charge at the rate of one dollar per hour though only one person use it.

After 10 o'clock P. M. double the rates above prescribed may be charged. After 10 at night may charge double.

Any person who shall charge more than the rates here fixed shall be fined \$10.00

§ 84. That any owner or driver of a carriage, hack or cab, who shall refuse either to a number of persons, or to a single person, to convey him or them according to the provisions of this ordinance, shall be fined not less than five, nor more than fifty dollars. Penalty for refusing to carry persons.

§ 85. That every carriage, hack or cab, shall have the number of the same painted on the lamps, in figures, in a conspicuous manner not less than three inches long and properly proportioned. To be numbered on lamps.

§ 86. And said lamps shall be lighted every night, moon-light or dark, at dusk, and continue so lighted while in the streets or elsewhere on hire, under penalty of not less than five nor more than fifty dollars, to be imposed on the owner or driver. Lamps to be lighted. Penalty.

§ 87. That it shall not be lawful for any owner or driver of any carriage, hack, cab, buggy or vehicle kept for hire or the conveyance of passengers or otherwise, to occupy with the same, any place or stand in any of the streets of the city, in front of any dwelling house or store, against the consent of the owners or occupants, longer than is necessary to set down or take up passengers. And it shall be the Not to stand in front of any dwelling or store against consent of owner.

duty of every driver to remove the vehicle under his control, from before any house or store, upon the request of the owner or occupant.

Drivers shall
conduct
themselves
properly.

It shall be the duty of all drivers of public vehicles when employed in conveying passengers, and during the time they are waiting for passengers or employers, to conduct themselves in a quiet, peaceable, and orderly manner.

Duties of
drivers.

To take up and set down their loads as expeditiously as possible; to give away for the drivers of other vehicles to deposit or receive their loads; and not to encumber or block up any passage-way or street; to avoid all collisions or interference with other vehicles and to avoid all contentions, disputes, altercations and affrays with other drivers or persons.

It shall be the duty of every driver of a public vehicle, while at the stands, to remain in his seat or within ten feet of his horse's head; and on all and every occasion of leaving their vehicles they shall leave their whips in them.

Penalty.

Any person violating this section shall be fined not less than five nor more than twenty dollars.

Any person
racing, shall
be fined.

§ 88. That any person engaged in racing with carriages or public vehicles, or driving at a speed to endanger the safety of persons or passengers, shall be fined not less than ten nor more than fifty dollars.

Every public
vehicle shall
post a copy
of this ordi-
nance in it.

§ 89. That every public vehicle shall have the 83d and 84th section of this ordinance hung up or placed in some conspicuous part of his carriage and inside thereof, and there kept at all times when in public use, under penalty of \$10.00 to be imposed on the driver or owner.

CHAPTER IX.

CLERK OF THE CITY.

An Ordinance to create and define the duties of City Clerk.

§ 90. *Be it ordained*, That there shall be annually ^{Elected.} elected by the convention, a clerk of the city, who shall give bonds in the sum of twenty-five hundred dollars, and receive ^{Bond.} a salary of fifteen hundred dollars per annum, and two hun- ^{Salary.} dred dollars, according to the provisions of § 70, and keep his office in the municipal buildings, where he shall attend ^{Office.} from 9 o'clock A. M. till 3 o'clock P. M. of each day.

Whose duty shall be :

To keep a correct record of all the proceedings of the board ^{Duties.} of aldermen and common council.

To attend at all the meetings of the board of aldermen and make proper entries and records of all orders, resolutions, ordinances, opinions, and proceedings of the board.

To keep a separate book in which shall be entered in full, all ordinances, by-laws, and joint resolutions adopted by the city, with full and complete index thereto.

To carefully file and preserve in his office all books and papers which may be delivered to him by virtue of his office.

To keep at all times the office free and accessible to any person having a right or claim of business therein.

To examine all accounts presented against the city previous to all regular meetings of the board, and certify as to their correctness or incorrectness before they are presented to the board for allowance.

To keep a regular set of books wherein he shall enter all appropriations and keep a regular account of all expenditures of the city.

To keep an account with the city treasurer, of all money received for licenses, fines, and from other sources.

To perform all other duties required by the city ordinances or by-laws.

To perform all other duties generally, under the direction of the mayor, which clerks of cities are required or accustomed to perform.

Fees,

§ 91. That he be authorized to demand and receive the following fees, which shall be paid by the applicant to the clerk, and by him into the city treasury :

- For issuing license for each dray, cart, wagon,
 carriage or other vehicle, - - - - - 50 cents.
- For issuing license for retailing spirituous liquors, \$1.00.
- For registering name and description of a free
 negro, - - - - - \$1.00.
- For any certificate required by any person, - - 25 cents.
- For any copy of the records, or of any papers in
 the office under one hundred words, - - - 25 cents.
- For any copy over one hundred words, (at the
 rate of) - - - - - 15 cents.
- For receiving and filing list of passengers, - - 15 cents.
- For making out list of passengers, under six, - 50 cents.
- For each passenger named, - - - - - 5 cents.

CHAPTER X.

DITCHES.

An Ordinance to prohibit the cutting of Ditches in the streets.

§ 92. *Be it ordained*, That no person, upon any pretense, shall cut any ditch across or along any of the public streets in the city, unless leave be specially granted by the mayor or one of the boards. No ditch to be cut in any street without permission.

That when such leave may be granted, such ditch shall be well barricaded, and guarded during the time it may be necessary to remain open. When granted to be guarded.

Any person violating this ordinance shall be fined twenty dollars. Penalty.

(NOTE.—This ordinance was adopted since the adoption of code, and is here inserted as a note.)

Section 1. Be it ordained, That no dog, bitch, or whelp shall be allowed or permitted to run at large within the limits of said city between the first day of June and the first day of October of each and every year, and every owner or keeper of any dog, bitch or whelp, who shall permit the same to run or be at large contrary to the provisions of this section, shall pay a penalty of five dollars for each offense, and the informer thereof shall be entitled to one-half of said penalty when collected: *provided* that nothing in this ordinance shall authorize the destruction of any dog, bitch or whelp found running at large, if said dog, bitch or whelp shall be securely muzzled with a wire muzzle to be fastened on with a leather strop or chains, nor shall a suit be commenced against the owner of any such dog found running at large securely muzzled as aforesaid.

Section 2. It shall and may be lawful for the mayor of the city of Mobile to publish his proclamation forbidding the running at large of any dog, bitch or whelp within the limits of said city at any period of the year whenever the public safety is in danger, or that there are mad or rabid dogs within or near said city, unless such dog, bitch or whelp is securely muzzled as provided in this ordinance, and the mayor is hereby authorized and empowered to employ as many persons and at such pay as he may think proper to carry into effect the provisions of this section. It shall or may be lawful for the city marshal and for such other person or persons who may be authorized by the mayor to kill and destroy or to cause to be killed or destroyed any dog, bitch or whelp which may be found running at large contrary to the provisions herein contained, and it is hereby made the duty of the marshal and the entire police force of the city, upon notice from the mayor, to proceed forthwith to destroy all dogs found so running at large. And any person who shall molest, interrupt, hinder or prevent the city marshal or any other person authorized by the mayor aforesaid or either of them in the discharge of the duty herein prescribed, shall forfeit and pay a penalty of twenty-five dollars for each offense.

CHAPTER XI.

DRUMS.

An Ordinance to prohibit the beating of Drums.

No drum to
be beaten
except—

§ 93. *Be it ordained,* That no drum shall be beaten in the city, except on occasions of military, fireman and society parade.

Penalty.

Any person violating this ordinance shall be fined twenty dollars.

CHAPTER XII.

FACTORIES.

An Ordinance to regulate the establishment of Candle and Soap Factories.

Not to be
established
without
license.

§ 94. *Be it ordained,* That no person shall establish within the city, the boiling of any materials for the manufacture of soap or candles, or any factory of soap or candles, unless he shall first obtain the written certificate of the board of health, that the location which he has selected for that purpose, will not prove injurious to the health or comfort of the neighborhood.

This certificate shall be submitted to the mayor, and if he approve of the location, he shall grant a license for the establishment of the factory at the place named in the certificate.

Penalty.

Any person violating this ordinance shall be fined twenty-five dollars, and twenty-five dollars for each day after the first fine.

CHAPTER XIII.

FENCES.

An Ordinance to regulate Partition Fences.

§ 95. *Be it ordained*, That all partition fences in the city, shall be erected, built, and kept in repair, at the joint expense and cost of the persons whose grounds shall be inclosed or separated thereby. At the cost of the owner, jointly.

§ 96. That in all cases where any dispute shall arise as to the sum or sums of money to be paid by either party, for the erection, building or repairing, any partition fence, the party aggrieved may complain to the mayor. Dispute, how settled.

The mayor shall appoint three respectable freeholders of the city, as inspectors, whose duty it is, to examine said fence, and report to the mayor the sum to be paid, and to, and by whom.

Thereupon the mayor shall make an order requiring the delinquent, within the term of ten days, to pay to the person to whom the same may be due, the sum so reported, by a majority of the inspectors.

And if the delinquent shall neglect, or refuse, after due notice of the order, to pay said sum of money, the person so neglecting, or refusing, shall be fined fifty dollars for every day that he shall neglect or refuse.

CHAPTER XIV.

FIRES.

An Ordinance concerning the Fire Department.

ARTICLE I. TO ORGANIZE THE FIRE DEPARTMENT.

“ II. TO ESTABLISH PRECAUTIONARY MEASURES.

“ III. TO ESTABLISH A BOARD TO INVESTIGATE THE ORIGIN OF.

ARTICLE I. TO ORGANIZE THE FIRE DEPARTMENT.

Companies
authorized.

§ 97. *Be it ordained*, That there be established such number of fire engines, hook and ladder, hose and bucket companies, as may be deemed expedient by the city. For the management of each there shall be a company enrolled and organized agreeably to such by-laws as said companies may deem expedient and proper, for the purpose of compelling the attendance of such members of said companies, in case of fire, or an alarm of fire.

Such companies may elect from their number such officers to command the same as they may deem proper.

The officers, when elected, shall have and exercise the power of compelling the attendance of the members according to the by-laws, and to demand and collect all fines that may be incurred by such by-laws.

The said fines may be recovered before the mayor, or any one of the aldermen or common council of the city, for the use of the company.

Duties of
company.

§ 98. That it shall be the duty of each company 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.

Members
exempt from
poll tax.

That each officer, member, honorary member, and the fire wardens of the fire department, shall be exempt from paying a city poll tax.

§ 99. That it shall be the duty of the foreman or officer Duty of foreman. in command of each company, to cause their engines and apparatus to be worked at least once in each month, by the company, under penalty of five dollars.

§ 100. That as often as a fire shall break out, the fire- Duties in case of fire. men shall repair at once, upon the alarm thereof, to their respective engines or other fire apparatus, and convey the same to the place of the fire, unless otherwise directed by the chief or other engineer, and there, in conformity with the direction given by the chief engineer, manage the engines and other apparatus to the best advantage.

And when the fire is extinguished shall not remove therefrom but by the permission of the chief or other engineer in command.

§ 101. That no fire engine or other fire apparatus shall No engine to be removed except by a member. be removed or taken from its house unless a member of its company shall be present, under a penalty of ten dollars.

That it shall be the duty of the officers of every fire com- Officers shall report any violation of this. pany to report all violations of this section to the chief or other engineer.

§ 102. That the fire department shall be under the con- Department under control of chief and 1st and 2d assistants. trol of one principal or chief engineer, and two persons to be called 1st and 2d assistant engineers.

They shall be elected from among the fire department Elected, annually, on the second Monday of April, by the qualified white firemen of the several fire companies, and the eight fire wardens of the city.

Said election to be conducted under the management of How. an officer or delegate from each fire company, or by any three of said officers or delegates.

§ 103. In the event of the death, resignation or vacancy Vacancy, how filled. of the office of chief engineer,

It shall be the duty of the fire department, under the direction of the first assistant engineer, within ten days after such vacancy shall occur, to elect some person to fill the vacancy, in the manner prescribed for the election in April,

And the person so elected shall hold office till the next election in April.

Vacancy,
how filled.

§ 104. That if from any cause the office of the first and second assistant engineers or either of them become vacant, The chief engineer shall, within ten days thereafter, fill the vacancy by his appointment from among the fire department, and the person so appointed shall hold office until the election in April.

No one but
those named
shall vote.

§ 105. That no person except fire wardens, shall vote at the election for officers of the department, who has not been elected a member of one of the companies, thirty days previous to said election.

Lists to be
furnished.

It is the duty of the secretaries of the companies to furnish an attested list of the members of their companies.

Duties of
officers.

§ 106. That the several officers commanding the companies, shall obey all orders of the chief engineer or of the assistants, when emanating from the chief in command, either in time of fire or at an alarm of fire, under penalty of twenty dollars.

That the engineer in command shall place himself in the most advantageous and conspicuous station for giving directions to the firemen, and the orders of the engineer so in command shall be paramount to all others.

Duty of
engineer.

§ 107. That the engineer in command shall inspect the several fire engines, hose, hooks, and ladders, and other fire apparatus, as often as he may deem necessary, but not less than once in each month.

If any of the engines or apparatus should require any extensive repairs, he shall report the same to the mayor, aldermen and common council, that it may be done at the expense of the city.

He shall make a report of the state of the several companies once in each year, together with the names of all the members of the department, and the companies to which they may belong, which report shall be published in one of the city newspapers.

Persons at-
tending fires
required to
assist.

§ 108. That all persons attending fires, not members of the fire department, may be required to assist the firemen if called on by any officer of the department, or of a company, or by either of the fire wardens.

Any person refusing or neglecting to render reasonable aid shall be fined twenty dollars.

§ 109. The chief engineer and the assistants shall be fined twenty dollars for any neglect of duty. Penalties.

§ 110. That the engineer in command shall be authorized, with the concurrence of the other engineers or of the mayor, or of one of the aldermen or councilmen, to pull down or remove (or cause it to be done), any building, matter, or thing, which they may deem necessary in the exercise of a sound judgment, to suppress the ravages of the conflagration. Engineer authorized to remove or pull down building, &c., in case of fire.

§ 111. That each of the engineers shall be furnished with a trumpet, and a fire cap such as is now worn, at the expense of the city, not exceeding seventy-five dollars in any one year. Engineer to have a trumpet, &c.

The caps are to be painted blue and lettered "chief engineer," "first assistant engineer," "second assistant engineer."

§ 112. That to all such companies as fully conform to all ordinances of the city, adopted for their government, there shall be appropriated annually on the first of April, out of any moneys in the treasury, not otherwise appropriated: Annual appropriations to each company.

To the fire engine companies three hundred dollars each,

To the Mobile hook and ladder company the sum of one hundred and fifty dollars,

Payable quarterly on the order of the foreman, countersigned by the secretary.

That previous to receiving the quarterly payment, each company shall give a detailed, and exact statement of the expenditures of the previous payment, signed by the treasurer of the company, and a list of the active members, signed by the acting foreman and the secretary.

That no money shall be paid to any company until this is done.

§ 113. That no company shall permit any person to become a member of it, under the age of eighteen years, No person to be a member who is under 18 years of age, or has been expelled.

Nor any person who has been expelled from any of the

companies of the department, unless he has been re-instated in the company expelling him.

Eight fire wardens, how elected.

Duties.

§ 114. That there shall be eight fire wardens elected, (two from each district) by firemen at the same time and in the same manner of electing the engineers, whose duty it is to repair at once on the alarm of fire to the place where it may be, and to assist in the preservation of property, and to keep all idle and suspicious persons at a proper distance from the fire and its vicinity.

Fire wardens choose president and secretary.

§ 115. That the fire wardens may choose out of their number a president and secretary, at such time and in such manner as they may see fit, and may make such rules and impose such fines as in their judgment may best secure the performance of their duties.

Duty of marshal and police, on an alarm of fire.

§ 116. That it shall be the duty of the marshal and police officers, to repair at once on an alarm of fire, to the place where such fire may be.

And it shall be the duty of the police officers, there to report themselves to the marshal, and to obey such orders as may be given by the mayor or aldermen, or common councilmen, for the preservation of the public peace, and the removal of all idle and suspicious persons, or others not actually and usefully employed in aiding or extinguishing the fire, under penalty of ten dollars.

Penalty.

Engine, hose cart, or hook and ladder carriage to run on sidewalk.

Penalty.

§ 117. That no engine, hose cart or hook and ladder carriage shall be run on the paved sidewalk of the city, except in the immediate vicinity of the fire, under penalty of five dollars to be imposed on the company.

"Fire department of the city of Mobile," authorized.

§ 118. That the engineers, fire wardens, and the fire companies, are hereby authorized and empowered to form an association to be called "*The Fire Department of the City of Mobile,*" and to make such by-laws, as they may deem expedient for the government of said department: *Provided* said by-laws shall in no way conflict with the city ordinances, the laws of Alabama, or of the United States.

Fines under this ordinance to go to fireman's fund.

§ 119. That all fines imposed by this ordinance, including the forfeitures of powder, are appropriated to the fireman's fund for the benefit of the sick and disabled firemen and their families.

ARTICLE II.

An Ordinance to establish Precautionary Measures.

§ 120. *Be it ordained*, That the fire limits in the city of Fire limits. Mobile shall be as follows :

Commencing at the river in Canal street, running along the center of Canal to Royal street, along the center of Royal to Eslava street, along the center of Eslava to Joachim street, along the center of Joachim to Munroe street, along the center of Munroe to Cedar street, along the center of Cedar to St. Anthony street, along St. Anthony to Jackson street, along the center of Jackson to Adams street, along the center of Adams to Joachim street, along the center of Joachim to Hunt street, along the center of Hunt to Royal street, along the center of Royal to one mile creek (Bayou Marmotte,) thence along one mile creek to Mobile river, thence along the river to the place of beginning.

That within those limits no building shall be erected or constructed of wood, under penalty of fifteen dollars for each and every day that any person shall permit, or be concerned in erecting such wooden building.

§ 121. That the fire wardens shall examine the dwelling Duty of fire wardens. houses and other buildings, in their respective districts, in the months of May and November of each year, and oftener if they think proper.

To ascertain violations of this ordinance, to examine the fire-places, hearths, chimneys, stoves and the pipes thereto, ovens, boilers, kettles, and everything which in their opinion may be dangerous in causing or promoting fire.

And upon finding any of them defective or dangerous, either of them may direct the owner or occupant by written notice to alter, remove, or amend the same, in such manner and in such reasonable time, as either of them may deem necessary.

To enter and examine all buildings, livery or other stables, hay boats, or vessels, and places where gunpowder, shavings, or other combustible materials may be lodged, and give

such directions in writing, in the premises, as may be deemed necessary, relative to the moving thereof.

Persons failing to obey, fined.

And any person failing to observe and obey the directions of the wardens, or either of them, shall be fined twenty-five dollars for each day that such neglect or refusal continues.

Chimney to be swept monthly.

§ 122. That the owner or occupant of every house in the city, shall cause to be swept at least once a month every chimney where a fire is habitually kept, and if any chimney shall take fire through neglect of being properly swept or cleaned, the occupant of the house having control of the chimney shall be fined five dollars.

Penalty.

No coal or wood, &c., or combustibles.

§ 123. That no person shall have in his possession in the city, any coal, wood, pales, planks, staves, shingles, lumber or fuel of any description, combustibles, or materials that may occasion hazard, or danger of fire, unless the same shall be placed or secured in such situation and in such manner, as the mayor, or any one of the aldermen or common council shall consider safe, or secure from danger of fire.

Penalty.

And any person failing to remove such articles, when directed to do so by the mayor or any one of the aldermen or common council, shall be fined twenty-five dollars, for each day of such neglect or failure.

No fire-arm to be discharged in the city.

§ 124. It is not lawful for any person to discharge any gun, pistol, fowling-piece, or fire-arm, nor to let off, or discharge, any rocket, fire-cracker, squib, or other fireworks, in any street, court, yard, lot, walk, or public highway, or from the door of any house or building, or near any house or any inhabited part of the city, on any pretext, under a penalty of five dollars, and if a slave fifteen lashes unless his employer pay the fine.

Penalty.

Exception.

This section shall not extend to military reviews.

No burning coals or brands to be openly carried.

§ 125. It is not lawful for any person to carry or cause to be carried, in the streets, any burning coals, or brands, unless the same be inclosed in a covered vessel, under penalty of five dollars.

ARTICLE III.

An Ordinance to establish a Board to investigate the origin of Fires.

§ 126. *Be it ordained*, That there shall be appointed annually a board for the investigation of the origin of all fires in the city. Board to investigate origin of fires.

To consist of one member of each of the boards of aldermen and common council, the chief engineer of the fire department, one member of the board of fire wardens, to be chosen by them, and three firemen to be chosen by the fire companies in such manner as they may determine.

§ 127. That the said board shall make inquiry into and investigate the origin of all fires, which may occur, and to report to the mayor the result of their investigations. Duties.

That should their investigations warrant the belief, that the origin of any fire was not accidental, but proceeded from wanton or malicious intent, or from an intent to defraud, and should individuals be designated with sufficient grounds for suspicion of having so caused such fire, they shall report to the mayor, who shall take cognizance, as the case may warrant. Duty of mayor.

CHAPTER XV.

FREE NEGROES.

An Ordinance respecting Free Negroes.

§ 128. *Be it ordained*, That every free negro resident within the city, shall, on or before the first day of January in every year, report himself to the mayor at his office, who shall cause to be registered the name, height, sex, and description, the place where born, the time he may have resided in Mobile, and the precise location of his residence, in a book to be kept for that purpose, all of which particulars the said negro shall fully and truly state to the mayor. Free negro shall report to the mayor. Name, &c., registered.

At the time of reporting himself he shall give bond with Bond.

good security to keep the peace and to be of good behavior for twelve calendar months, and to save the city from any charge for his support, and for any violation of this section he shall be fined fifty dollars.

Failing to give bond to be committed.

And if he fail to give bond as before required, he shall be committed to the city prison not exceeding four months, until he shall give such bond.

Not to go at large after 10 o'clock at night, unless, &c.

§ 129. That no free negro shall go at large after the hour of ten o'clock at night, unless he shall have a special pass from the mayor, or any one of the aldermen or common council which shall not extend to after 12 o'clock at night, under penalty of twenty-five dollars.*

Penalty.

Note.

* Free colored mariners are required by section 1045 of the Code of Alabama to give a bond which may be in substance as follows :

FORM OF FREE COLORED MARINERS' BOND.

SECTION 1045 OF THE CODE.

To be filed in the mayor's office of the city of Mobile.

THE STATE OF ALABAMA, }
COUNTY OF MOBILE. }

We, Brown Smith, Smith Brown, and Smith Jones, acknowledge ourselves to be indebted to the State of Alabama, in the sum of five thousand dollars, for the payment of which we bind ourselves, and our heirs, executors, administrators and assigns, jointly and severally by these presents.

Signed with our hands and sealed this first day of June in the year of our Lord one thousand eight hundred and fifty seven.

On the condition that if all free colored persons who were on the ship Wm. R. Hallett, now lying in the port (or bay) of Mobile, when said (ship) arrived in the bay of Mobile, shall remain on board the vessel, and not leave the same during the stay of the vessel in the waters of the State of Alabama, and upon its departure that such free colored persons shall depart with the vessel, and that said vessel with such persons on board shall not come within three miles of the city of Mobile, nor within one mile of the shore of the State of Alabama, except in passing out of the bay of Mobile, and that during the stay of the said vessel no communication shall be permitted between the free colored persons on board the vessel, and slaves or free persons of color within the State of Alabama, then this obligation to be null and void, otherwise to remain in force and effect.

Witness :

BROWN SMITH, [SEAL.]
SMITH BROWN, [SEAL.]
SMITH JONES, [SEAL.]

DAVID CUMMINS,
Clerk.

CHAPTER XVI.

GAMING.

An Ordinance respecting Gaming.

§ 130. *Be it ordained*, That no person shall play with cards or dice for money, or at any faro bank or gaming table, by whatever name, letter or figure the same may be known or called, nor at any game of chance for money or other valuable thing, nor bet or wager money or other valuable thing on the side or hands of such as do game, with dice or cards or any faro bank, or at any gaming table, under penalty of twenty-five dollars.

No gaming
with cards,
&c.

Penalty.

§ 131. That if any person shall keep or exhibit any gaming table of any name or description whatever or any faro bank, or bank for gaming of any kind, by whatever name it may be called, or be concerned therein directly or indirectly, he shall be fined fifty dollars.

No gaming
table or bank
to be kept,
&c.

Penalty.

§ 132. That if any person who has a license to keep a boarding house, hotel or tavern, or to retail spirituous liquors, shall knowingly permit any gaming, prohibited in either of the two last sections in his premises, or any building in his occupation, he shall be fined fifty dollars, and his license shall be revoked.

Hotel, &c.,
keeper not to
permit
gaming.

Penalty.

CHAPTER XVII.

HAWKING AND PEDDLING.

An Ordinance to regulate Hawking and Peddling.

§ 133. *Be it ordained*, That there shall be paid for each license to any hawker or peddler of any goods, wares or merchandise in the city, one hundred dollars, which shall extend for the term of one year.

Hawker and
peddler to be
licensed.

Any person hawking or peddling any goods, wares or

merchandise without such license shall be fined fifty dollars, and if a slave is permitted, or suffered, to do so, his employer, agent, or master, shall be fined fifty dollars.

Penalty.

Peddling,
&c., in the
streets for-
bidden.

§ 134. That the hawking and peddling in the streets of the city of any meat, game, poultry, vegetables, or any other article usually sold, or vended, in the market, is prohibited under penalty of twenty dollars, except that this does not apply to persons who lease stalls in the public market, after 9 o'clock, A. M., during week days.

Penalty.

Proviso.

CHAPTER XVIII.

HEALTH.

An Ordinance to secure Public Health.

- ARTICLE I. BOARD OF HEALTH.
 " II. DUTY OF CITIZENS.
 III. QUARANTINE.

ARTICLE I. BOARD OF HEALTH.

Board of
health.

Duties.

§ 135. *Be it ordained*, That it shall be the duty of the board of health in the city of Mobile, organized and appointed, under the provisions of an Act of the legislature of the State of Alabama, incorporating the "Mobile Medical Society," passed December 21st, 1843, to prescribe and enforce such rules and regulations as in their opinion, may conduce to the health of the city.

To examine into any and all cases of malignant, infectious, pestilential, and epidemic diseases, which may originate in the city, and the cause thereof.

To enforce such measures as they may deem necessary to effect the removal of, or to check the same.

To examine into all such nuisances as may tend to affect or endanger the health of the city.

And to report weekly to the mayor, aldermen, and common council of the city.

§ 136. That if any person neglect or refuse to comply with the requisitions of the board of health, or shall prevent any member of the board from examining the yards, lots or out-houses of any person in which there is cause to believe that nuisances exist, he shall be fined ten dollars.

Persons neglecting or refusing to comply with directions of board, to be fined.

ARTICLE II. DUTY OF CITIZENS.

§ 237. *Be it ordained*, That the owner or occupant of every house, yard, stable, stall, lot of ground within the inhabited parts of the city, shall keep the same clean, and shall not at any time suffer kitchen-stuff, oyster-shells, shavings, chips, dung, trash, or filthy matter of any kind, to remain upon his lot, grounds or property, under penalty of ten dollars.

Yards, &c., to be kept clean.

Penalty.

§ 138. That the owner of every wharf shall keep the docks or slips, to the distance of thirty feet on each side of the wharf, from end to end, cleared and free from logs, timber, brush-wood, sea-weeds, and every kind of filth or obstruction, under penalty of twenty dollars, and twenty dollars for every week that such neglect or failure may continue.

Docks to be kept clear.

§ 139. That all vessels, boats, barges, and other water craft, which may at any time contain stagnant water, or be in any manner in any impure or unwholesome condition, about the wharfs or docks of the city, shall be removed to such place as the mayor may designate, under penalty of fifty dollars.

Certain vessels, boats, &c., may be removed.

Penalty.

And in case that the person having control or charge of such vessel, boats, barges or craft shall neglect to remove it, to be cleansed or purified, it shall be removed or sold at the expense and risk of the owners.

If sold it shall be at public auction, and five days' notice shall be given of the time and place of sale; after paying expenses of the sale, the proceeds shall be paid into the city treasury, and if not claimed by the owner or his agent,

within six months after the sale, shall be forfeited to the city.

Mayor may prevent the landing of hides, &c.

§ 140. That the mayor shall be authorized to prevent the landing from any vessel, boat or water craft, and the introduction in any way, within the city, of all hides, peltry, coffee, salt provisions, or other damaged or infected articles, (which in the judgment of the board of health will endanger the health of the city) under penalty of fifty dollars.

Penalty.

Such may be removed.

That any such articles found in the city shall be immediately removed out of the city, by the person in whose possession such article is found, under penalty of fifty dollars.

Dead animals, &c., not to be left.

§ 141. That it is not lawful for any person to leave any dead animal, or carrion, or any filth, putrid or putrescent matter, in any place in the city (except on the ground to be designated by the mayor from time to time) under penalty of twenty-five dollars.

Penalty.

No slaughter or butcher-pen in the city.

§ 142. That no slaughter or butcher-house, or pen, shall be established or carried on in the city, under penalty of twenty-five dollars, and twenty-five dollars for every day it shall remain.

Penalty.

Earth not to be dug, &c.

§ 143. That it is not lawful for any person to excavate or dig the earth from any lot or parcel of ground in the city in such a manner as may cause water to remain therein, under penalty of twenty dollars.

Penalty.

Trash, filth, &c., to be deposited on Tuesday, Thursday, and Saturday.

§ 144. That the owner or occupant of every house, store, stable or other tenement, or any lot, yard, or inclosure, shall on Tuesday, Thursday and Saturday in each week, between the hours of five and eight o'clock in the morning, collect and deposit in front of their property, and as near thereto as may be, in a tub, barrel or other vessel, all trash, filth, shells, manure, or other putrid or putrescent matter that may have accumulated therein, under penalty of five dollars.

Penalty.

Power of city authorities.

§ 145. That when in the opinion of the mayor, aldermen and common council, any lot or piece of ground in the city, should be filled up, cleansed or purified,

Or when any of the sections of this article shall be violated or disregarded,

The mayor may if necessary to the enforcement of this

article, cause its provisions to be complied with, at the expense of the delinquent.

That if the delinquent fails to pay the amount so incurred within three days after the payment by the city, he shall be fined fifty dollars for each day that he fails or neglects to do so.

ARTICLE III. QUARANTINE.

§ 146. *Be it ordained*, That there shall be established a strict system of quarantine, to be enforced against all vessels arriving in the bay of Mobile, from any port or place where "yellow," "malignant," or "pestilential" or "infectious" fever, or other infectious or dangerous disease is prevailing,

Quarantine
to be en-
forced.

Or having any person on board suffering from such disease.

That this article shall only be in force when so proclaimed from time to time by the mayor, with the advice of the board of health, and every proclamation shall define the length of time that it shall continue in force.

§ 147. That the convention shall elect a quarantine physician who shall proceed at once to the execution of his duties. He shall receive a salary of six hundred dollars per month.

Physician to
be elected.

That such attendants and employees as may be required at the station, shall be employed and appointed by the mayor.

§ 148. That it shall be the duty of the physician to attend at the quarantine station.

Duties of
physician.

To board all vessels entering the bay or harbor of Mobile.

To fully examine into the condition of the vessel and cargo and the health of all persons therein.

To examine as many or such persons on board under oath, to learn and obtain any facts that he may deem essential and necessary.

To detain all vessels coming from any infected port or place, or that has any case of disease described in the first

section of this article, on board, the cargo, and every person on board, for any length of time that he may deem necessary or expedient.

To direct such measures to be taken as may be necessary to purify the vessel, and supervise the same at the expense of the captain, owner or consignee of the vessel.

To direct the discharge of any cargo, or portion thereof, and supervise the same, at the expense of the captain, owner or consignee of the vessel.

To remove any person from any vessel who may be sick of any malignant or infectious fever or disease to the quarantine hospital, and it shall be his duty to give his professional services to said person.

To sign all permits for vessels and persons to pass the quarantine,

And all discharges for vessels or persons leaving the quarantine, without which no vessel or persons shall be permitted to leave or pass the quarantine station.

And any person violating any of the quarantine regulations, he, or the owner and captain, together with the vessel to which he may belong, or be a passenger, shall be fined not less than fifty dollars.

Duties of
pilot, &c.

§ 149. That it is the duty of every person acting as a pilot, or revenue, or boarding officer, of the custom house, to deliver to the officer in charge of every vessel, coming into the bay of Mobile, a copy of these regulations, or so much as may be wanted for the use of the vessel, of which the mayor shall have a sufficient number of copies printed.

During the existence of the quarantine, all pilots and other persons having charge of vessels, entering the bay of Mobile, shall bring such vessels to anchor at the quarantine station, and no vessel shall leave such anchorage until it shall have been boarded by the quarantine physician and shall have received permission from him to do so.

Penalty.

Every pilot or other person violating this section shall be fined fifty dollars.

Persons receiving medical attendance shall pay \$5 per day.

§ 150. That all persons who may receive medical treatment under this ordinance, shall pay for the use of the city, five dollars for each day of such treatment.

And where the persons so treated shall be unable to pay the charge, the captain, owner or consignee of the vessel to which he may belong, shall pay the same.

When unable, captain, owner, or consignee shall pay.

§ 151. That the provisions of this article shall not apply to New Orleans and Mobile mail line steamers, but it shall be the duty of the captain or clerk or person having in charge of each one of these steamers, to furnish the quarantine physician with a certificate of health of every person on board, each time that one of these steamers may enter the bay of Mobile.

Not apply to New Orleans mail line.

Duty of officers of N. O. steamers.

For this purpose the steamer shall be brought to anchor as near the quarantine station as it is practicable, and there remain until examined by the quarantine physician.

If any person on board of either of these steamers be sick, it shall be the duty of the person having charge of such steamers to inform the quarantine physician of the fact.

If on examination such person is found to be sick with the yellow fever or any malignant, pestilential or infectious disease, he shall be conveyed to the quarantine station.

If any person is taken sick on one of these steamers, after having left the quarantine station, and before arriving at the wharf at Mobile, it shall be the duty of the captain, clerk, or person having charge of the steamer, to report it to some member of the board of health, or the mayor of the city, and it shall not be lawful for such person to leave the steamer until he shall have been examined by a member of the board of health.

If it be found that such person is suffering from an attack of yellow fever, or any malignant, pestilential or infectious disease, he shall not be landed from the steamer, but it shall be the duty of the person in charge of the steamer, to convey the patient to the quarantine hospital on the same day, or to convey him to New Orleans on the return steamer.

The New Orleans and mail line company shall be liable for all fees accruing for attendance on any person carried from any one of their steamers to the quarantine hospital, where such person does not pay the same.

Any violation or disregard of any of the provisions of this article shall be punished by a fine of fifty dollars.

Meaning of
"vessel."

§ 152. The word vessel wherever used in this ordinance, shall extend to boats, steamers, and water crafts of every description.

No vessel to
take, or dis-
charge car-
go, unless,
&c.
Penalty.

§ 153. That no vessel shall take on or discharge the cargo of any vessel at quarantine, without a written permit from the quarantine physician, under penalty of fifty dollars, on the owner, consignee, or person in charge.

Mayor and
board of
health may
remove ves-
sels to Quar-
antine.

§ 154. That the mayor and board of health, when the public health may require it, may order any vessel at the wharves of the city, or in the vicinity thereof, to the quarantine station, and may require all persons, articles, or goods, introduced into the city from such vessels, to be seized, returned on board, or removed to the quarantine station.

Penalty.

If the owner, master, consignee, or person having charge of such vessel, fails or neglects to obey such requirements, each of them shall be fined fifty dollars and fifty dollars for each day after.

And if he cannot be found, or if he neglects and fails to remove the vessel, the mayor and the board of health shall have power to cause such removal at the expense of the vessel.

Extends to
vessels in
the bay.

This ordinance applies to vessels lying at anchor in the bay of Mobile and not performing quarantine.

Duties of
harbor mas-
ter and port
wardens.

§ 155. That the harbor master and port wardens of Mobile, shall notify the mayor or city marshal in writing of every infraction of this article that shall come to their knowledge.

And it shall be their duty to see that in every instance, vessels arriving at the wharves of the city shall have a proper permit signed by the quarantine physician, giving him liberty to pass the quarantine station.

Any vessel failing to have such a permit, shall not be allowed to remain at, or in the vicinity of the wharf, but shall at once be ordered to the quarantine station, as provided for in section 9 of this article.

Penalty.

The harbor master or port wardens, failing to give prompt notice of any violation of this section, shall be fined fifty dollars.

§ 156. Quarantine rules and regulations for the port of Mobile :

RULE I. The quarantine station shall be the anchorage Station. immediately in the vicinity of the present bethel ship in the bay of Mobile.

RULE II. The quarantine physician shall in every Length of time to remain in. instance determine the length of time that a vessel shall remain at quarantine, and the time that all persons on board such vessels shall remain in quarantine.

RULE III. It shall be the duty of the pilots or other Duty of pilots. persons, bringing a vessel into the bay of Mobile, to hoist a flag at half-mast at the fore until the vessel has been visited by the quarantine physician.

RULE IV. No person shall leave a vessel nor visit a Not to leave vessel without permit. vessel at quarantine, without a written permit to do so, by the quarantine physician.

RULE V. The quarantine physician shall make a monthly Monthly report by physician. report, on the first day of every month, to the city authorities, of the number and class of vessels quarantined,

The number of patients treated at the quarantine hospital,

The amount of fees collected, and all other information connected with the station, as may be necessary and proper.

RULE VI. All vessels at quarantine, shall keep a flag Flag to be kept at half-mast by vessel in quarantine. at half-mast at the main, during the day, and a lantern in the same position at night.

RULE VII. Any violation of these rules and regulations Penalty. shall be punished by a fine of fifty dollars.

CHAPTER XIX.

HOSPITALS.

An Ordinance for the regulation of Hospitals.

ARTICLE I. CITY HOSPITAL ESTABLISHED.

“ II. OFFICERS AND DUTIES.

“ III. REGULATIONS.

“ IV. PRIVATE HOSPITALS.

ARTICLE I. CITY HOSPITAL ESTABLISHED.

City hospi-
tal.

§ 157. *Be it ordained*, That the buildings and premises bounded on the south by St. Anthony, east by Jefferson, and west by Broad streets in the city of Mobile, are established as the “ City Hospital.”

Hospital
committee.

§ 158. That there shall annually be appointed by the president of the board of aldermen, three members of the board ; by the president of the common council, two members of the board ; who with the mayor shall be a committee for the government of the city hospital.

Powers and
duties of
committee.

§ 159. That 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, aldermen and common council.

They shall make regular visits to the hospital, at least once in each week.

They shall make monthly reports of its condition, receipts and expenditures, to the boards of aldermen and common council.

They shall have the exclusive privilege of admitting patients into the hospital.

They shall approve all contracts made with persons employed therein, as students, nurses, cooks, laborers, and for all articles of food, raiment, medicines, and fuel, necessary for the use and maintenance of the hospital.

§ 160. That whenever the committee shall apply for money to be expended for the use of the hospital, they shall distinctly set forth the object for which such money is asked, excepting salaries to those officers elected by the city.

ARTICLE II. OFFICERS AND DUTIES.

§ 161. *Be it ordained,* That on the first Monday in March, 1856, and biennially thereafter, there shall be elected in convention, a physician and surgeon of the hospital, who shall give bond in the sum of _____ dollars, and receive a salary of _____ per annum.

§ 162. That it shall be his duty to visit said hospital twice in each day, and oftener, if necessary, and to administer to the sick therein.

To see that the stewards, students and nurses faithfully perform their respective duties and promptly to report any dereliction therein to the hospital committee to be laid before the boards of aldermen and common council, who may take such action as they deem necessary.

To report quarterly to the mayor, aldermen and common council the number, situation and condition of the patients in the hospital, together with such other information as may be deemed necessary or important. When a case or cases of small-pox shall be presented for treatment, he shall attend such patient at the pest-house, provided by the city for the treatment of such diseases. For which services he shall receive such remuneration as may be deemed proper by the city authorities.

§ 163. That the hospital physician shall appoint, with the approval of the hospital committee, two students of medicine, who shall board and lodge in the hospital, and give bond in the sum of five hundred dollars, whose duty it shall be,

To act as, and perform the duties of apothecary,

To prepare and administer all prescriptions of the physician and surgeon,

And to perform such other duties as may be prescribed for them by the physician and surgeon, for the comfort and well-being of the patients.

No student shall be appointed for a longer or shorter term than one year,

But he is eligible for re-appointment.

Steward
elected.

§ 164. That at the same time that the physician is elected, there shall be elected by the convention, a "steward" of the hospital, who shall give bond in the sum of
dollars, and receive a salary of

dollars, and shall board and lodge in the hospital. He shall also have the privilege to board and lodge his wife and minor children in the hospital.

Duties.

§ 165. It is 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 prescribe to him.

He shall enter in a bound book to be kept by him for that purpose, the names of the patients admitted into the hospital, their age, place of birth, occupation, date of admission, 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 of the aldermen or common council ; and shall remain in the hospital as a book of record and reference.

He shall enter in a book kept for that purpose, an inventory of all articles of furniture, bedding, clothing, utensils and all other property belonging 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 treasurer, accompanying the payment with a report of the names of such patients, the number of days of treatment, &c.

He shall enter in a book kept for that purpose, the name

of every pauper patient, the date of his entry in 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 moneys, clothing and effects, that any patient may have in his possession when admitted into the hospital, and enter them in a book kept for that purpose, subject to the inspection of the mayor, or any of the aldermen or common 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, medicines, furniture and cooking utensils, on a requisition made by the mayor or chairman of the hospital committee, as may be needed for the comfort, necessities 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 needed, and make such contracts with them as may be approved by the mayor or chairman of the hospital committee.

ARTICLE III. REGULATIONS.

§ 166. *Be it ordained*, That all pauper applicants for admission into the hospital, shall present to the steward a permit signed by the mayor or any one of the hospital committee. Paupers applying.

Paying patients shall present a like permit, stating who will be responsible for fees incurred. Paying patients applying.

These permits shall be regularly filed and remain on record.

§ 167. That 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 for each day. Paupers.

Paying patients.

§ 168. That all paying patients shall be charged two dollars for each day that they remain inmates of the hospital.

Slaves.

That slaves shall be charged as paying patients.

Pest house charges.

§ 169. That when private or paying patients may be sent to the pest-house, such patient shall be charged five dollars for each day that he may be under treatment at that place.*

ARTICLE IV. PRIVATE HOSPITALS.

How established.

§ 170. *Be it ordained*, That it shall not be lawful for any person to establish or have in use or operation in the city, any hospital or infirmary for the cure of diseases, unless they shall have obtained the consent in writing of a majority of the citizens living on the squares immediately adjoining, and the square on which such hospital or infirmary is proposed to be kept or established, and the consent of the mayor, and boards of aldermen and common council and the recommendation of the board of health, under penalty of fifty dollars, and twenty-five dollars for each day it is continued.

Penalty.

Mayor and committee to have access at all times.

That the mayor and the hospital committee shall have free access at any and all times to such hospitals or infirmaries.

* An Ordinance to amend an Ordinance entitled an Ordinance to provide for the government of the City Hospital. (*Adopted since Code.*)

Be it ordained, That in case of private or paying patients being sent to the pest house, the surgeon or steward of the city hospital shall before receiving the patient, require of the applicant a receipt from the city treasurer, showing that the sum of one hundred dollars has been deposited in the city treasury to secure the payment of such charges as are required in Section 13 of the ordinance alluded to above.

CHAPTER XX.

HOUSES—PUBLIC.

An Ordinance to regulate and license Inns, Public Houses, &c.

§ 171. *Be it ordained*, That no person shall retail or sell in quantities less than one quart at one time, any spirituous or vinous liquors in the city, unless a license shall have been granted by the mayor, to do so for one year, setting forth the location of the house or place in the city, and the name of the person to whom such license shall issue. For any other place or person it shall be of no validity.

To be licensed for one year to retail spirituous or vinous liquors.

That two hundred dollars shall be paid to the city treasurer for such license. That a license may issue to retail in the saloons of the Mobile theater for the term of six months, on payment of one hundred and twenty-five dollars to the city treasurer.

Amount.

That no person shall sell any vinous or spirituous liquors, in quantities larger than a quart, if the same be drank on the premises of the seller.

Not to sell more than a quart to be drank on the premises.

That no person shall sell any unwholesome or adulterated drink, vinous or spiritous liquors.

Not to sell adulterated drink.

§ 172. That no person shall keep a tavern unless he shall have a license therefor, for which he shall pay twenty-five dollars. Nor a boarding-house, coffee-house or any other house of entertainment, restaurant or eating-house, unless he shall have a license therefor, for which he shall pay the amount assessed by the city assessor.

Tavern to be licensed. Boarding-house. Coffee-house. Eating house.

§ 173. That it shall be the duty of every person having a license and carrying on business under it, to conduct himself, and to see that those he may entertain shall conduct themselves in an orderly manner on his premises, and to prevent all persons who may be there after ten o'clock at night, from disturbing by cries, noise, songs, or otherwise, the peace or tranquillity of any of the neighbors.

Keeper to conduct himself orderly and prevent disorder.

Penalty. That he shall not permit any disorderly conduct nor riotous conduct on his premises. Any person violating the provisions of this chapter, shall be fined fifty dollars, and fifty dollars for each day that such violation shall continue; and the mayor may annul and revoke the license of such person, if in his judgment it should be done.

CHAPTER XXI.

INSPECTION.

An Ordinance to provide for the Inspection of Hay, Lumber, Wood, Work, and Weights and Measures.

ARTICLE I. INSPECTION OF HAY.

"	II.	"	"	LIQUIDS.
"	III.	"	"	LUMBER.
"	IV.	"	"	FIRE WOOD.
"	V.	"	"	WEIGHTS AND MEASURES.
"	VI.	"	"	WORK COMMITTEE OF MASTER MECHANICS.

ARTICLE I.

An Ordinance to provide for the Inspection of Hay.

Inspector elected. § 174. *Be it ordained*, That there shall be elected annually in convention an inspector of hay, who shall give bond in the sum of _____ dollars.

Hay shall be weighed. § 175. That every bale of hay sold in this city shall be weighed by the inspector, who shall receive ten cents for every bale weighed, to be paid by the seller, under penalty of five dollars for each bale.

Shall enter weights in a book, and give a certificate. § 176. It shall be the duty of the inspector to keep a book, in which he shall enter the weight of every bale weighed by him, and he shall give a certificate of the weight of each bale, for whom weighed, the marks, and the date when weighed.

Shall make fair deduction § 177. The inspector shall make a fair deduction from the gross weight of every bale weighed by him, for the wood and bandages used in putting up or securing the bales.

And shall mark only the net ^{weight}₃ on ¹₄ each bale, Shall mark net weight.
which shall be done with good black ink or paint.

ARTICLE II. GAUGER—CITY.

An Ordinance to create a City Gauger.

§ 178. *Be it ordained*, That there shall be elected annually in convention a city gauger, who shall give bond in the sum of one thousand dollars. City gauger elected. Bond.

§ 179. It shall be his duty to gauge and prove all liquids imported into the city for sale. Duties.

That he shall brand his name upon each cask, barrel, or vessel inspected by him, with the contents of each. And of spirituous liquors the proof of the same, of which he shall keep a record, open to inspection, and grant certificates when required.

§ 180. That he shall receive,
For proving and gauging for each barrel, - - 4 cents. Fees.
" " " " " " half-pipe, - 10 cents.
" " " " " " pipe and hh'd, 15 cents.

§ 181. That all persons receiving liquids required by this ordinance to be inspected, shall report the same to the city gauger, at the place designated by him as his office, under penalty of ten dollars. Persons shall report to him.

ARTICLE III.

An Ordinance to provide for the Inspection of Lumber.

§ 182. *Be it ordained*, That there shall be elected annually in convention, an inspector of lumber, who shall give bond in the sum of _____ dollars. Inspector elected.

§ 183. That he shall perform the same duties in the city, and be subject to the same penalties as the inspectors of lumber are liable to under the statutes of Alabama, and shall receive the same fees for his services. Duties. Fees.

ARTICLE IV.

An Ordinance to provide for the Inspection of Fire Wood.

Inspector of wood elected § 184. *Be it ordained,* That there shall be elected annually by the convention, two inspectors of wood, who shall give bond in the sum of _____ dollars, each.

All fire wood shall be inspected. § 185. That all fire wood brought into the city, or exposed for sale, shall, before it is sold, be inspected and measured by the inspector, or his deputy.

Dimensions. That the said fire wood shall be full four feet in length, and a cord shall be four feet four inches high, and eight feet long—in cording, it shall be piled in a neat and compact manner.

Unsound and short rejected. That all unsound and short wood shall be rejected, all large and straight wood shall be placed at the bottom and the small and crooked wood at the top of the pile.

Deficiencies, how supplied. All deficiencies in measure caused by crooked wood shall be supplied, under the direction of the inspector.

Unsound and short wood forfeited to use of city hospital. That all short and unsound wood shall be forfeited to the use of the city hospital, and shall be sent by the inspector immediately upon such forfeiture, to the city hospital, and he shall inform the steward thereof on the same day.

Drays and carts, how arranged. § 186. The inspector shall cause all drays and carts that may be employed in carrying wood, to be provided with side stakes or other fixtures; on which shall be marked “one-third of a cord of wood,” and no cart or dray drawn by one horse shall be permitted to carry more than one-third of a cord of wood at a load.

No more than $\frac{1}{2}$ of a cord to be carried on a dray.

§ 187. That it shall be the duty of all persons selling wood in the city, to cause posts to be set up to contain between them one-third of a cord of wood, one-half, and one cord, under the direction of the inspector.

And the posts shall be so marked that any person may see the quantity of wood purchased by him.

Shall keep office. § 188. That each inspector shall keep an office where he may be found and at which orders may be left.

Shall keep account. He shall keep an accurate account of all the wood in-

spected and measured, and the forfeitures that may accrue, and report the same to the mayor, aldermen and common council on the first day of January, April, July, and October.

He shall not deal in fire wood, nor purchase it, nor shall any person deal with or sell to him except for his domestic use. ^{Shall not deal in wood.}

He shall receive ten cents for each cord, for inspecting and measuring in one pile, where the quantity is less than ten cords. For every cord over ten cords, eight cents, and for every smaller quantity than one cord ten cents, which shall be paid by the seller. ^{Fees.}

He shall mark conspicuously on the end of a stick on each parcel or pile of wood the quantity each parcel or pile contains and the date of the inspection. ^{Shall mark.}

§ 189. Any violation of this article shall be punished by fine of fifty dollars. ^{Penalty.}

ARTICLE V.

An Ordinance to provide for the Inspection of Weights and Measures.

§ 190. *Be it ordained,* That there shall be annually elected in convention an inspector of weights and measures, who shall give bond in the sum of dollars. ^{Inspector elected.}

§ 191. It is his duty as soon after his election as is practicable to call on every person in the city who may have scales or weights or measures of any description, to be used in the purchase or sale of goods or merchandise in the city. ^{Duties.}

He shall inspect them by the city standard of weights and measures, and if found to be correct and stamped by any former inspector, to give a certificate for the same, for which he shall receive one dollar from the owner.

That if he find the beams or patent balances or scales of any description, or weights or measures, or any portion of the same used by any person for the purchase or sale of goods or merchandise, to be incorrect, by the city standard,

he shall correct them at the expense of the owner, and seal them with the city seal, for which he shall receive from the person owning or using them, for every beam, patent balance or scale of any description weighing 450 lbs. and upwards one dollar,

And fifty cents for those of lesser weight,

And five cents for every weight or measure.

§ 192. That as often as once in every six months, in addition to the annual inspection, and whenever in his opinion or that of the mayor, it shall be his duty to inspect all such balances, scales, beams, weights and measures, free of expense, unless they are found to be incorrect, when he shall receive fees as before.

Upon any information being lodged with him that any person has sold by weight or measure any commodity which has proved to be of short weight or measure, he shall inspect the balances, beam, scale, weights, and measures of the person informed against, and if any of them are found to be incorrect they shall be seized and forfeited to the city.

That he shall report to the mayor, aldermen and common council all balances, beams, scales, and weights and measures liable to seizure, and forfeited to the city, and all persons liable to penalties by this article.

And for any violation of this article he shall be fined fifty dollars.

Any person refusing to present his scales, &c.

§ 193. That if any person shall refuse to produce his balances, beams, scales, and weights and measures, to be inspected, or shall prevent the inspector from discharging his duty, or shall have sold or knowingly bought any merchandise by any imperfect balance, beam, scale or weight or measure, he shall be fined fifty dollars.

Penalty.

ARTICLE VI.

An Ordinance to provide for Inspection of Work done on Building.

Four master mechanics to be elected.

§ 194. *Be it ordained,* That there shall be annually elected in convention four master mechanics who shall be

called "the committee of the mechanics in the city of Mobile."

§ 195. When any difference shall arise between persons interested in any work done to or on any building within the city of Mobile, concerning the said work, the said difference shall be at the suggestion of either of the parties interested—referred to the said committee of master mechanics, in manner and form hereinafter provided. Duties.

§ 196. That any person or persons wishing to avail himself or themselves of the privilege of this ordinance, shall give notice in writing to said committee, that a difference has arisen between himself or themselves and other or others, touching the quantity of work done or the quality thereof, as the case may be, on any building or buildings, describing the same ; whereupon it shall be the duty of the said committee, or a majority of them, to give private notice in writing, to all parties interested, if the same be practicable ; and if not practicable, public notice in some newspaper printed in the city of Mobile, that they intend, at a certain time and place, to be mentioned in said notice, the time being not less than two, nor more than ten days, from the service or appearance of the said notice, to proceed to measure the quantity, or estimate the quality as the case may be, of such work ; and at the same time and place so appointed, the said committee, or a majority thereof, shall proceed to measure and estimate as aforesaid ; and shall thereupon give to the party at whose instance the same was done, and to such others as may require it, a certificate, setting forth their doings in the premises ; and the said certificate, under the proper hands and seals of the said committee, or a majority of them, shall be held and deemed in any court in this State, evidence as to the quantity or quality of work in question ; and also to any notice required by this ordinance: *Provided*, That nothing contained in this ordinance shall prevent any person or persons who may feel him or themselves aggrieved by any such survey, from the right of appeal. Persons requiring services to give notice.

Duty of committee on such notice.

Shall measure work and give parties certificate.

Certificate shall be evidence.

Party aggrieved may appeal.

§ 197. That with regard to the quality of any work

done as aforesaid, the said committee shall, when it shall seem to them or a majority of them, that the same has not been done in a workmanlike manner, barely certify the percentage that shall be deducted in consequence thereof.

Work not well done to certify percentage.

§ 198. That any vacancy or vacancies which may occur by death, resignation, absence or removal, shall be supplied by the mayor, aldermen and common council aforesaid, and that a continued absence from the city of Mobile sixty days, shall forfeit membership, which absence shall be certified to the clerk of the city of Mobile.

Vacancies, how filled. Sixty days' absence vacate seat.

§ 199. That the said committee shall be entitled to receive the following rate of per centage as a compensation for their services, viz :

	For measuring and estimating all sums of five								
	hundred dollars, and under,	-	-	-	-	-	-	-	5 per ct.
Fees.	Of one thousand and over five hundred	-	-	-	-	-	-	-	3 " "
	Of five " " " one thousand	-	-	-	-	-	-	-	1 " "
	Of ten " " " five thousand	-	-	-	-	-	-	-	$\frac{3}{4}$ " "
	Of fifteen " " " ten "	-	-	-	-	-	-	-	$\frac{1}{2}$ " "
	Of twenty " " " fifteen "	-	-	-	-	-	-	-	$\frac{3}{8}$ " "
	And all sums under twenty thousand	-	-	-	-	-	-	-	$\frac{1}{4}$ " "

How suit brought.

Which compensation the said parties in the said work shall pay share and share alike.

§ 200. That all suits brought by the said committee for the recovery of fees, shall be in the name of the committee of the mechanics of the city of Mobile.

Oath before entering on duties.

§ 201. That every member of the said committee shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath faithfully and impartially to discharge the duties of his office, so long as he may continue thereon ; which oath shall be filed in the office of the clerk of the city of Mobile.

CHAPTER XXII.

JURORS.

An Ordinance to punish Defaulting Jurors.

§ 202. *Be it ordained*, That every person summoned by the authority of the mayor, aldermen or common council to attend as a juror for any purpose authorized by the laws and ordinances of the city, who shall fail to attend within the time and at the place specified in the summons, shall be fined ten dollars.

Juror failing to attend fined \$10.

CHAPTER XXIII.

KITES.

An Ordinance to prevent the Flying of Kites.

§ 203. *Be it ordained*, That it shall not be lawful for any person to fly any kite in the city of Mobile, under penalty of five dollars.

Unlawful to fly kite.

CHAPTER XXIV.

VACANT LOTS.

An Ordinance respecting Vacant Lots.

§ 204. *Be it ordained*, That all persons owning or possessing lots that are vacant in the city, shall fence them with a good and substantial rail or board fence, and shall cleanse and clear them off whenever so directed by the city authorities, of which ten days' notice shall be given in time of health, under penalty of five dollars, and five dollars for every day the neglect or refusal continues.

To be fenced
Cleansed when directed.
Penalty.

§ 205. That where no owner, possessor or agent can be found, the same proceeding shall be had as are provided in the ordinance relating to making and repairing side-walks.

Where owner is unknown.

CHAPTER XXV.

MARKETS.

An Ordinance to establish and regulate Markets.

ARTICLE I. MARKET ESTABLISHED.

“ II. RENTING AND ALLOTMENT OF STALLS.

“ III. ELECTION OF, AND DUTIES OF CLERK OF THE MARKET.

“ IV. REGULATIONS.

ARTICLE I. MARKET ESTABLISHED.

An Ordinance to establish Markets.

Established. § 206. *Be it ordained*, That the three market buildings erected in the city are established as public markets.

Southern market. That located on the square bounded by Royal, Church, Water, and Government streets, shall be called the “ Southern Market.”

Dauphin street market. That located at the intersection of Dauphin street, Spring Hill Road, and Wilkinson street, shall be called “ Dauphin street Market.”

Ann street market. That located at the intersection of Spring Hill and Three Mile Creek, Creek Road, shall be called the “ Ann street Market.”

ARTICLE II. RENTING AND ALLOTMENT OF STALLS.

An Ordinance to provide for the Renting and Allotment of Stalls in the Markets.

Minimum to be set and published. § 207. *Be it ordained*, That on or before the first Monday in October in every year, the mayor and the joint market committee shall fix the minimum price of the stalls and stands in the market, and when made, the mayor shall publish it in the official newspaper of the city.

That on the first Monday in November in every year, the stalls and stands in the market shall be rented for one year, at public auction, to the highest bidder, for cash, under the direction of the mayor and joint market committee, and no bid under the minimum price shall be received.

1st Monday
in November
stalls &c. to
be rented.

That every person renting a stall or stand in the market shall have the right to retain it year after year, by paying in cash to the city treasurer, at any time before the day on which the annual renting shall take place, the price paid by him the year next preceding, unless it should fall below the minimum price for that year.

Lessee to
have the
right to
re-rent on
condition.

The city treasurer shall give a receipt therefor, specifying the number of the stall, which receipt shall entitle the holder to the occupation and use of such stall for one year.

Treasurer to
give receipt.

The city treasurer shall furnish to the mayor in writing, on the morning of the day of the renting, with a list of all stalls so paid for, and such stalls shall not be offered for rent.

Treasurer to
furnish list.

§ 208. That the mayor and joint market committee shall select and set apart two stalls in the meat market as public stalls, for the use of country persons and others not regular butchers, who may, from time to time, sell butcher's meat in the market.

2 stalls to be
set apart as
public stalls.

§ 209. That a certain number of stalls, to be determined by the mayor and the joint market committee, shall be set apart at the eastern end of the meat market, as a fish market.

Fish market.

§ 210. That the mayor and the joint committee shall, from time to time, determine what portions of the market shall be occupied for the sale of meat, vegetables, fish, country produce, and articles sold in the market.

Portions to
be allotted
for meat,
vegetables,
fish, country
produce.

§ 211. That it is not lawful for any person renting stalls in the market to re-let the same for any time, nor permit others to occupy jointly, or to sell any marketable commodity from or on their stalls.

Not to be re-
let, nor to be
occupied by
others.

But every person may make a full and complete sale of the residue of the term for which any stall is rented, if the seller shall notify the city clerk of such sale, with name of

But may sell
out, pro-
vided.

the purchaser ; and no sale or transfer shall be valid until this is done.

ARTICLE III. ELECTION, AND DUTIES OF CLERK OF THE MARKET.

An Ordinance to provide for the Election, and define the Duties of the Clerk of the Market.

Clerk elected § 212. *Be it ordained*, That there shall be annually elected by the convention, "a clerk of the market," who shall give bond in the sum of one thousand dollars, and receive a salary of eleven hundred dollars per annum ; he paying all expenses for keeping the market in a neat and cleanly condition.

Bond and salary.

Duties. § 213. That it is his duty to attend at the market-house during market hours. To maintain order and enforce obedience to the rules and regulations of the market, prescribed in this chapter, and report to the mayor any infraction thereof.

To decide all disputes between buyers and sellers, as to the weight, measure, or quality of any article offered for sale, or sold.

To procure and have sealed at the expense of the city, at least two complete sets of measures, of the capacity of from a bushel down to half a peck ; and one complete set of scales and weights, conforming to the standard of measures and weights of the State of Alabama, which shall at all times be kept at the market-house.

To seize and destroy all, or regulate and correct any unlawful weight, scale, or measure.

To seize all impure meat, fish, and provisions, and dispose of them as the mayor may direct.

To cause to be swept, washed, and thoroughly cleaned, every day as soon as market hours are over, all parts of the market, and market premises, and to see that the same be always kept clean, and free from every description of filth.

To keep the market-place, avenues, alleys, walks, side-

walks, and streets surrounding or adjoining to the market, free from all obstructions, and to remove, or cause to be removed, all horses, carts, wagons, drays, and vehicles, and all and every article or thing which may prevent or interfere with, the free passage, and approach to, through or around the market or market-place.

To ring the market bell half of an hour previous to the time for closing the market, on every occasion.

To light, or cause to be lighted, the lamps in the market, as follows : At early candle light, only four lamps in the market. At four o'clock in the morning, such others shall be lighted as convenience or necessity shall indicate, and all shall be extinguished at early daylight.

On Saturday evenings the lamps shall be lighted at early candle light, and as soon as the market is over to extinguish all but four, which shall be extinguished at early daylight in the morning.

§ 214. That he shall collect from each unsold vacant ^{Fees.} or public stall, for the use of the city, a daily tax from such person or persons as may occupy them.

For meat stalls : For every quarter of beef, for every hog, for every sheep offered on the stall, each - 25 cents.

For each fish stall, - - - - - 100 "

" " vegetable stall, - - - - - 50 "

" " game and poultry stall, - - - - - 50 "

" " coffee stand, - - - - - 50 "

" " country cart or wagon, - - - - - 25 "

ARTICLE IV. REGULATIONS.

An Ordinance to regulate the Market.

§ 215. *Be it ordained,* That the regular market hours ^{Market hours.} shall be from daybreak until ten o'clock in the morning each day ; and on Saturday evening from three o'clock, P. M. until nine o'clock, P. M., and no market on Sunday.

§ 216. That no person shall sell or dispose of, in the public market, on the Christian Sabbath, any butcher's ^{No sales on Sunday.}

meat, vegetables, fish, provisions or any commodity whatever.

Butchers may deliver meat previously purchased, or engaged to vessels or steamboats leaving this port on Sunday.

Shall sell by retail.

§ 217. That every butcher occupying a stall in the market shall sell meat in any quantity, by retail, that any person may want. But he shall not be required to sustain an evident loss by such sale, of which the clerk of the market shall determine.

Meat not to remain in market from June to November.

Nor shall meat of any description be permitted to remain in the market-house after market hours, from the first day of June to the first day of October.

Nor to be hung up, except—

Nor shall any butcher hang up or keep his meat in any other place than at his stall, or butcher-pen, and when hung up at his stall it shall be hung in the rear of the stall and not in front or on the side.

No skins to be exhibited.

Nor shall he exhibit any skins of beeves or other slaughtered animal in the market-house.

Nor offer unsound meat.

§ 218. That no person shall offer for sale at the market-house any unsound or impure meat, fish or provisions.

How weighed.

§ 219. That all articles sold in the market by weight or measurement, shall be weighed and measured by scales, beams, weights, balances and measures according to the standard of the State of Alabama, and unless the seller has them sealed and inspected by the inspector of weights and measures, he shall use those kept by the clerk of the market.

No person, except lessees of stalls shall hawk or peddle.

§ 220. That no person except those who lease stalls in the public market shall hawk or peddle about the streets of the city, any meat, game, poultry, vegetables or any other article or commodity, usually sold or vended in the market, nor sell or offer to sell at retail any such articles (eggs, potatoes, melons and vegetables excepted,) at any store, stand, street or place in the city, except at the public markets.

And those leasing stalls shall not do so until after nine o'clock of the day.

Non residents may sell at public stalls.

§ 221. That any person residing out of the city may sell and retail meat by the pound, at the public stalls in the

meat market, or if those stalls be in use at any other place assigned, that may be assigned by the clerk of the market, and such persons shall be subject to all of the provisions of these ordinances.

That it shall not be lawful for any of the regular butchers in the market, or any person connected or interested with them directly or indirectly, to rent or use any of the public stalls or molest or interfere with, in any manner, the person who may for the time have the occupancy of any public stall. Butchers shall not.

§ 222. That it shall not be lawful to sell or expose for sale until after 12 o'clock, M., any fish in any place in the city other than in the fish market. That no ice box shall be kept in the fish market. Fish, how offered.

Nor shall any seller of fish offer for sale or sell any fish except pompano and red snapper, which has been kept on ice.

§ 223. That all persons who use any of the public or vacant stalls, carts or wagons, shall pay the tax or fees required in this chapter. Fees for public stalls.

§ 224. That no person shall, during market hours, buy or contract for any provisions or article usually sold in the market in such quantities as to prevent others applying at the same time from having an equal share thereof, or so much as the clerk of the market may consider that the several applicants are entitled. No monopoly, regrating, or fore-stalling.

Nor shall any person, during market hours, buy or contract for in the market any provisions or article usually sold in the market for the purpose of retailing or making a profit thereon. Nor speculating.

Nor shall any person, under any pretense of any bargain, take or carry away any article without having paid therefor or without the consent of the owner. No article to be taken without consent.

§ 225. That every butcher occupying a stall in the market shall once in every day, under the inspection of the clerk of the market, wash and scrape down his stall and benches and keep the same clear from all kinds of filth. Stalls to be washed.

And all persons occupying any stall, stand, cart or wagon,

in or near the market, shall cause the same to be washed and cleaned at least once every day.

Not to interfere with lights.

§ 226. That no person shall meddle with lights or extinguish any of the public lamps in the market, except the clerk of the market.

Penalty.

§ 227. That any one violating any provision of this chapter shall be fined not less than five nor more than fifty dollars for each offense.

CHAPTER XXVI.

MILITARY.

An Ordinance to establish an Armory for the First Volunteer Regiment.

Location.

§ 228. *Be it ordained*, That the second story of the stores in the southern market, (except the room over number 13,) on Church street, with the room under the stairs and the stairs leading thereto, is hereby established as an armory for the city of Mobile, to be under the control and direction of the officers of the first volunteer regiment, for which they shall pay annually the sum of dollars.

To be used as a place of deposit for their arms and equipments and for their safe keeping, and for such other purposes as the officers of the regiment deem necessary for the proper discharge of the duties of the regiment.

Regiment to have exclusive use of, except—

§ 229. That they shall have entire and exclusive control of the said armory, except when in cases of invasion, insurrection, rebellion, riots, or civil commotion, it shall be necessary for the time being, to quarter an additional number of police or troops.

In such cases the city authorities shall have the right to use such part of the armory as may be necessary for such purposes.

No alteration to be made, except—

§ 230. That no alterations or additions shall be made to the building, except with the consent of the city authorities.

In cases of rebellion.

§ 231. That whenever there shall be any riot, rebellion, insurrection, invasion or civil commotion, the mayor shall

make a requisition on the officer in command for such companies or number of men and arms as in his judgment may be necessary,

And such officer shall detail such men and supply such arms with promptness and dispatch. Duty of officer.

CHAPTER XXVII.

MILK.

An Ordinance to prohibit the sale of Impure Milk.

§ 232. *Be it ordained,* That no unwholesome, adulterated or watered milk shall be sold in the city, under penalty of fifty dollars. Milk to be pure. Penalty.

§ 233. That any person peddling milk, or driving a milk wagon, who shall violate the provisions of this ordinance, may be prohibited from the sale of milk for such time as the officer trying the case may determine, and if he shall sell any milk within such time he shall be fined fifty dollars. Peddler or cart driver. Penalty.

CHAPTER XXVIII.

PASSENGERS AND TRANSIENT PERSONS.

An Ordinance to regulate Passengers and Transient Persons.

§ 234. *Be it ordained,* That every passenger arriving at or coming to the port of Mobile from any foreign state or kingdom, in or on board of any vessel (except such as are employed on any of the rivers of the interior loading to Mobile) shall pay a tax of two dollars for the use of the city hospital. Passengers to pay tax of \$2.

Masters, &c.
shall collect.

That the master, owner, consignee or person in charge of such vessel shall collect the amount from each one of the passengers.

Shall furnish
list to tax
collector
and pay \$2.

That on the landing of such vessel, the master, officer in charge, clerk, owner, or consignee, shall immediately furnish to the city tax collector a list of names of all such passengers, and shall pay to him two dollars for each and every one of them.

Master, &c.,
shall make
report.

§ 235. That the master, officer in charge, owner or consignee of every vessel which may arrive in this port shall, within twenty-four hours thereafter, make a report in writing at the office of the mayor, of the names of all the passengers on board of his vessel, with a description of them.

Mayor may
require se-
curity.

And if, in the opinion of the mayor, any of them may become a charge on the city, he may demand of the owner, consignee or master of such vessel, that he give bond with good security in the sum of five hundred dollars, conditional, as follows:

THE STATE OF ALABAMA, }
CITY OF MOBILE, } *Mayor's Office.*

We, Brown Smith, Smith Brown and Smith Jones, acknowledge ourselves to be indebted to the mayor, aldermen and common council of the city of Mobile, in the sum of five hundred dollars, for the payment of which we bind ourselves, our heirs, executors, administrators and assignees.

Signed with our hands and seals this first day of January, in the year of our Lord one thousand eight hundred and fifty seven.

On the condition that whereas the (said Brown Smith has brought into the city of Mobile, John Smith, who is liable to become) or (steamboat Oregon is a regular packet running to and from the cities of New Orleans and Mobile, and liable to bring persons into the city of Mobile who may become a burthen and charge on the said city,)

If the said Brown Smith or any person for him, shall pay all expenses and charges that the said mayor, aldermen and common council may incur for the maintenance, care, support, or burial of (the said John Smith) any per-

son brought into the city of Mobile by the said steamboat, within twelve months from this day, then this obligation to be null and void : otherwise to remain in force and effect.

Witness,	BROWN SMITH, [SEAL.]
DAVID CUMMINS,	SMITH BROWN, [L. S.]
<i>Clerk.</i>	SMITH JONES, [SEAL.]

§ 236. No master, officer in charge, owner or consignee of any vessel having on board any sick or disabled seamen or boatmen, shall land or put them from his vessel in the city, if they are not inhabitants of Mobile, unless he shall apply to the mayor, who may give permission to do so.

No sick or disabled hands to be landed without permission.

The applicant giving bond conditional, as in the last section.

And all masters or owners of vessels running as regular packets between the port of Mobile and New Orleans, shall annually enter such bonds and security as is provided in Section 235.

And any person violating this ordinance shall be fined fifty dollars, and fifty dollars for each day for each passenger.

Penalty.

But this shall not extend to the landing any sick or disabled seamen or boatmen who may be received into the marine hospital.

Proviso.

§ 237. That any person who shall receive or entertain in his house or dwelling any person not an inhabitant of the city, who may be liable to become a charge on the city, and shall not within forty-eight hours make a report to the mayor, or an overseer of the poor of the county, of the name and description of said person, shall be fined five dollars for each and every day such person may be a charge on the city.

Person receiving stranger in his house shall notify mayor, and failing to do so, shall be fined if such stranger become a charge.

And when so reported, the mayor, if of the opinion that such person is liable to become a charge on the city, shall notify him to depart from the city, and if found in the city after the expiration of twenty-four hours, shall be dealt with as a vagrant.

Duty of mayor.

CHAPTER XXIX.

PATROL.

An Ordinance to establish Citizen Patrol.

§ 238. *Be it ordained*, That the city marshal shall keep a book in which shall be recorded the names of all the free white male citizens over the age of sixteen years, residents of the city.

Marshal shall keep the names of all citizens.

To which list he shall add from time to time, and at least once in three months, the names of all such persons as may hereafter become residents of the city, if they shall have resided therein ten days. That all such shall be subject to patrol duty (unless they are exempt by some law or ordinance), under the direction and supervision of the regularly appointed police officers.

Patrol to be selected by lot.

§ 239. That whenever it may be deemed necessary by the city authorities to establish patrols, the city marshal, under the direction of the mayor, or in his absence one of the aldermen or common councilmen shall select by lot from the names of citizens as recorded such number as may be necessary to guard and protect the city each and every night.

When sick or absent.

And in case the person drawn shall be absent or unable to perform his duty by reason of sickness, his name shall be replaced in the lot, to be drawn again.

Marshal shall notify.

§ 240. That the marshal shall cause all persons whose names have been drawn to be notified at least six hours before they are required to attend and perform the service of patrol for one night, specifying the time and place for their attendance, and if he fail to attend and faithfully perform the duties of patrol, he shall be fined five dollars.

Penalty for failing to attend.

Regulations of patrol.

§ 241. That the patrol shall, under the direction of the police officers, have full power and authority to stop and apprehend any suspicious person, or any person who may be guilty of disturbing the peace and good order of the city.

It shall be their duty to disperse all unseasonable, riotous, or disorderly meetings of all persons—whites and blacks, and commit to the city prison such slaves as may be found so assembled, or found without a pass, after nine o'clock.

CHAPTER XXX.

PAWNBROKERS.

An Ordinance concerning Pawnbrokers.

§ 242. *Be it ordained,* That no person shall carry on or conduct the business or calling of a pawnbroker in Mobile, unless he has obtained a license therefor, under penalty of fifty dollars. To be licensed.

Any person who loans money on deposit or pledge of personal property, or who deals in the purchasing of personal property, on condition of selling the same back again at a stipulated price, is defined and declared to be a pawnbroker. Defined.

§ 243. The mayor is authorized to grant a pawnbroker's license as other licenses, to any person of good character who may apply therefor, on the payment of the license tax, and shall execute a bond in the sum of five hundred dollars, conditioned that he will, in every particular, conform to the provisions of this or any other ordinance or by-law to be passed concerning pawnbrokers. How licensed.

§ 244. Every person so licensed shall keep at his place of business a book, in which he shall enter in writing a minute description of all property received on deposit, pledge, or purchase, as aforesaid; particularly mentioning any prominent, or descriptive marks that may be on such property, Shall keep book.

The time when received,

The name and place of residence of the person from whom received.

Which book shall be kept clean and legible, and no entry therein shall be erased, obliterated, or defaced, under penalty of fifty dollars.

Book to be
subject to
police exam-
ination.

§ 245. That every person so licensed shall, during the ordinary hours of business, when requested by the mayor, city marshal, or any police officer of the city, submit and exhibit such book to their inspection; and shall exhibit any property that may have been so left with, or received by such pawnbroker, under penalty of fifty dollars.

CHAPTER XXXI.

POLICE.

An Ordinance respecting the City Police.

ARTICLE I. GENERAL REGULATIONS.

“ II. CITY PRISON.

“ III. SECRET FUND.

ARTICLE I. GENERAL REGULATIONS.

Mayor, head
of police.

§ 246. The mayor shall be the head of the police department, and shall superintend and direct the police generally.

See that the several members are prompt and faithful in the discharge of their duties, and at all times shall take such measures as he may see fit for the preservation of the peace and good order of the city, and enforcing the laws and ordinances of the city.

Aldermen
and common
council shall
co-operate,
&c.

§ 247. The aldermen and common councilmen shall co-operate with the mayor in preserving the peace, and enforcing the laws and ordinances. As conservators of the peace, they shall arrest, or cause to be arrested, with or without process, and taken before the proper tribunal in the city, all persons who shall break or threaten to break the peace; and may commit or admit such persons to bail.

Duties.

They shall arrest, or cause to be arrested, all persons who shall be found committing or violating, or who may be reasonably suspected of having committed any crime or

misdeemeanor, or violated any ordinance of the city, for the preservation of the peace and good order thereof,

And shall have power to detain, or order the detention ^{Powers.} of all such persons in custody, in the city prison, over night, and over the Sabbath, and until such person can be examined or tried by a competent court or magistrate.

§ 248.* There shall be annually appointed by the mayor, ^{Mayor shall appoint watchmen.} one marshal and three deputy marshals, whose salary and bonds shall be fixed by the convention.

That there shall be appointed annually by the mayor of the city, as many watchmen as may be designated from time to time by the boards, to guard and protect the city, one of whom shall be called captain of the guard, ^{Number to be designated by boards.} Captain.

And one called lieutenant of the guard, ^{Lieutenant.}

And fifty who shall be called privates of the watch, or police constables—to be paid such sum as may be determined each year, ^{Fifty privates.}

And shall be subject to his control in the discharge of their duties, and may at any time be removed by him for any misconduct or neglect of duty.

§ 249. The marshal shall be the chief of the acting police, under the mayor. ^{Marshal.}

It shall be his duty to cause and see that the public peace is preserved, and whenever any violation thereof shall come to his knowledge, or be reported to him, he shall cause the requisite complaint to be made, and see that the evidence is procured for the successful prosecution of the offender. ^{Duties. Shall report.}

He shall obey, and cause the police officers under him to obey the directions of the mayor, and see that they perform their duties promptly and faithfully. ^{Obey mayor.}

In case of tumult, riot, insurrections, or threatening thereof, he shall take command (under the direction of the mayor) in person, of the police, and direct their movements and operations in the discharge of their respective duties. ^{In case of tumult, &c.} He shall attend at the mayor's court, at the mayor's office,

* By the Act of 1858, the mayor is vested with the power of making this, as well as all police appointments,

- Attend mayor's court. and at the office of the city prison, at such times as the mayor may direct.
- Shall keep books, &c. He shall keep, and cause to be kept, and made at such time and such manner, all records, registers, books, and reports concerning the affairs and operations of the police department, as may be directed by the mayor.
- Deputy marshal's duties. § 250. The assistant or deputy marshals shall, in all things, obey and assist the marshal in the discharge of his duties.
- Captain of the guard. Duties. § 251. The captain of the guard, night watch, shall be the chief executive officer (under the mayor and marshal) of the night watch, and shall direct them or any member of them under him. And he shall obey, and cause the members of night watch under him to obey the rules, orders, and regulations prescribed by the mayor, and the ordinances of the city.
- He shall be responsible for the efficiency, general conduct, and good order of the night watch.
- Lieutenant of the guard. Duties. § 252. The lieutenants shall aid and assist their superior officers in the discharge of all their duties, and shall obey all directions that they may give, and see that his subordinates are efficient, prompt, and faithful, in the discharge of their police duties.
- Police constables or privates. § 253. The police constables are required to devote their attention to the preservation of the peace, quiet, and good order of the city, and the enforcement of the city laws and ordinances.
- Shall report for duty. They shall severally report themselves for duty at such time and place as the mayor, marshal or captain of the night watch shall direct, and render such prompt and energetic assistance as may be required of them or the exigencies of the service demands.
- Devote their time, &c. They shall devote their time and attention to the discharge of the duties of their office according to the regulations prescribed by the mayor.
- Preserve order, &c. They shall preserve order, peace and quiet, and enforce the laws and ordinances throughout the city.
- Power to arrest. They shall have power to arrest all persons in the city

found in the act of violating any law or ordinance, or aiding or abetting in any such violation,

And all persons found under suspicious circumstances,
And shall take such persons to the city prison.

They shall have power and authority in the city, to serve and execute warrants and other processes, for the apprehension and commitment of persons charged with or held for examination, or trial, or taken in execution for the commission of any crime or misdemeanor, or violation of any law or ordinance of the city. Shall serve process.

§ 254. And while making such arrest or while executing or serving, or assisting in the execution or service of any such warrant or process, shall be vested with and have all the powers and authority conferred on such officers by chapter V., title 4, part 2, of the Code of Alabama. Same powers as state constables in certain cases.

§ 255. Any member of the city police who neglects or refuses to perform any duty required of him by the laws or ordinances, or the mayor, or in the discharge of his official duties shall be guilty of any fraud, extortion, oppression, favoritism, partiality, or wilful wrong, or neglect of duty, or injustice, shall be fined fifty dollars. Penalty.

§ 256. If any person shall resist any watchman in the discharge of his duty, or shall in any way interfere with or hinder or prevent him from discharging his duty as a watchman, or offer or endeavor so to do, or assist any person in custody of any watchman to escape or attempt to escape from such custody, or rescue or attempt to rescue any person so in custody, he shall be fined fifty dollars. No person shall resist or interfere with any officer.

§ 257. All persons when called on by any watchman shall promptly aid and assist him in the execution of his duties, under penalty of fifty dollars. All persons shall assist officers when called on.

§ 258. If any person shall falsely represent any of the members of the city watch, or shall maliciously or with intent to deceive, use or imitate any of the signs, signals, devices adopted and used by the city watch he shall be fined fifty dollars. No person shall falsely represent police, &c.

ARTICLE II. CITY PRISON.

An Ordinance to establish and regulate the City Prison.

City prison, location of. § 259. *Be it ordained*, That the buildings on the south side of Conti street, between Royal and St. Emanuel streets now occupied as the city guard house, be, and is established as the city penitentiary, to be called the city prison, and shall be the place of confinement of such persons as are imprisoned for violation of the city laws, ordinances and by-laws, and for the temporary safe keeping of persons arrested by the city police.

Mayor shall appoint keeper, deputy keeper, and three alarm sentinels. § 260. That there shall be appointed by the mayor a keeper of the city prison, a deputy keeper, and three alarm sentinels.

Keeper. § 261. The keeper of the city prison shall have the charge and keeping of the prison, and the custody of all persons confined therein.

Deputy keeper. § 262. The deputy shall in all things obey and assist him in the discharge of his duties.

Duty of keeper. § 263. When any person is committed therein he shall give to the officer or person who may have the custody of such person a receipt stating the alleged name, the charge against him, and from whom received, and when such person is discharged or placed in custody of any other officer or person he shall take a like receipt, a copy of which he shall keep in his office.

Keep book to keep account of all articles received or taken from prisoners. He shall keep in a book kept for that purpose, a full account of all articles or property taken from any person placed in his custody, or received of any person in custody, for which he shall give a receipt to such person, setting forth the date, name of the person and description of the articles.

Shall furnish food. He shall furnish to all persons who are confined therein, proper food and diet according to the regulations that may from time to time be made by the city authorities.

Shall keep prison clean. He shall keep the prison clean and well ventilated.

Shall make a weekly report to the mayor. He shall weekly make a report to the mayor, of the names of all persons committed, discharged and remaining in custody, accompanied with the vouchers for the discharge.

§ 264. He shall demand and collect for the city from every free person confined therein for any violation of the ordinances of the city :

For commitment, - - - - -	\$1 00	Fees of prison.
And for every day that he may continue there, -	30	
From the owner, agent or employer of every slave,	1 00	
And for each day that such slave continues, - -	30	

Which shall be paid before discharge.

§ 265. That one of the alarm sentinels shall be at all times on the bell tower, to watch and observe the city.

Duty of alarm sentinel.

He shall cry the hour of night, at each half hour through the night, till daylight.

Shall cry the hour.

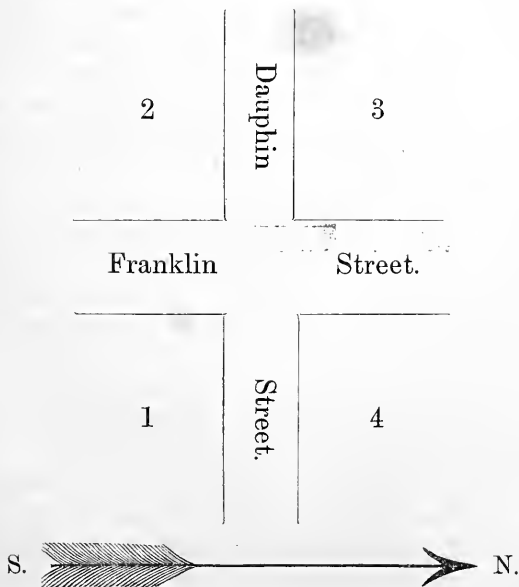
§ 266. Whenever there is any alarm of fire, he shall strike the bell to indicate the alarm for all parts of the city south of Dauphin and east of Franklin street, with one tap.

On an alarm of fire, shall strike the bell.

All south of Dauphin and west of Franklin with two taps.

All north of Dauphin and west of Franklin street with three taps.

All north of Dauphin and east of Franklin street with four taps.



For riot, &c. For riots or civil commotion, rebellion or insurrection, double the number.

Viz : 1, 1; 2, 2; 3, 3; 4, 4.

ARTICLE III.

An Ordinance to establish a Secret Fund.

Appropriation.

§ 267. *Be it ordained*, That there is appropriated from the city treasury an amount equal to ten per cent. on the total money paid by the city marshal, to be called the "Secret Fund."

To mayor.

§ 268. This amount shall be paid by the treasurer to the mayor, who shall take his receipt within five days after it is paid into the treasury.

Under his direction.

To be under his sole control—to be used as he may see fit in facilitating the operations of the police, and to make them efficient.

He shall make monthly exhibits.

He shall make monthly exhibits to the presidents of the two boards as to the disposition of the fund, and annual reports to both boards.

Duty of when the fund is too large.

§ 269. If it appear to the mayor and the two presidents at any time, that the fund is larger than is necessary for its purpose, such surplus shall be paid to the city treasurer, taking his receipt for it.

CHAPTER XXXII.

POWDER—GUNPOWDER.

An Ordinance to regulate the keeping of Gunpowder.

Keeper elected.

§ 270. *Be it ordained*, That there shall be annually elected in convention, a keeper of the powder-magazine, who shall give bond in the sum of _____ dollars.

Duties. Shall keep book.

§ 271. That he shall keep a book in which he shall note and enter every keg and package of gunpowder received into

and delivered from the magazine, or transferred while in the magazine, as well as the owners' names, and the marks and numbers thereof. And he shall render an account quarterly, and oftener if required by the city authorities, of all gunpowder stored. Shall make reports of powder stored.

§ 272. And for his services he shall receive twenty-five per centum of all moneys collected by him for storage, and forty cents for each load of powder brought into town. Compensation.

He shall, monthly, and up to the end of each and every month, present to the mayor, aldermen and common council, a full, exact, and correct account of all moneys received by him for receiving, storing, and delivery of powder, and pay the same to the city treasurer. Shall make monthly reports of money received.

He shall keep at all times, and in good repair, a covered wagon or cart (to be furnished and provided by the mayor, who is authorized and required to provide it at the expense of the city) for the transportation of powder to and from the magazine. Shall keep a wagon.

§ 273. That the house and premises now occupied for the storage, located at or near the mouth of Chickasabogue, is established as the "powder-magazine" for the city of Mobile. Magazine established.

§ 274. That it is not lawful for any person to keep more than twelve and one half pounds of gunpowder in one parcel, nor more than two parcels in his store, warehouse, dwelling-house, or outhouse, in the city, at any one time; and such gunpowder shall be kept in tin canisters. No powder to be kept except—

§ 275. That no vessel having powder on board shall be permitted to be alongside of any wharf in the city more than twenty-four hours. No vessel shall lay at wharf with powder.

§ 276. That no person shall land any gunpowder at any of the wharves of the city in any box, tierce, or package, other than the original keg or barrel, unless the same be legibly marked "powder." How landed.

That no person except the keeper of the powder-magazine shall carry gunpowder through the streets of the city. How carried.

That every owner, agent, or consignee of any powder landing from any vessel, shall deliver it over immediately to the keeper of the powder-magazine to be stored. Shall be delivered to keeper.

Penalty.

Every person violating this ordinance shall be fined fifty dollars.

Fees for storage.

§ 277. That for every keg or package of gunpowder, of not more than 25 lbs., received into the magazine for storage, there shall be paid in advance, for the first six months, 75 cents, and in that proportion for large packages. And if the powder remain in the magazine for a longer time than six months, there shall be paid in advance one-half of these rates. And so on for each and every succeeding six months.

That if the ownership of any powder shall be changed while on storage, the keeper may collect fifty cents for every transfer, for the registry thereof.

That every person having powder in the magazine shall indorse on the back or margin of every order for powder, the time to which the storage of such powder has been paid.

Powder remaining more than six months forfeited.

§ 278. That all powder remaining in the magazine six months on which the storage has not been paid, shall be forfeited to the city, and sold at auction.

CHAPTER XXXIII.

PROPERTY OF THE CITY.

ARTICLE I. MUNICIPAL BUILDINGS.

“ II. PUBLIC SQUARES.

“ III. CITY PROPERTY.

ARTICLE I. MUNICIPAL BUILDINGS.

An Ordinance respecting the Municipal Buildings.

Municipal buildings declared.

§ 279. *Be it ordained,* That the second story of the center building of the southern market, fronting on Royal street, with the stairs leading thereto, is established as the municipal building of the city of Mobile, within which the mayor or some one of the aldermen or common councilmen

of the city of Mobile shall, on each day of the week, except Sunday, hold court for the trial and determination of all offenses against, or violations of the by-laws and ordinances of the city, which shall be called "The mayor's Court," at which times may be heard complaints against persons charged with offenses against the laws of the State of Alabama, in a room to be called the mayor's court room.

The mayor's court room.
Court to be held daily.

§ 280. The board of aldermen shall hold their meetings in another.

Aldermen's room.

§ 281. The board of common council shall hold their meetings in the room assigned to the city treasurer.

Common council.

§ 282. The mayor shall have his office in another.

Mayor.

§ 283. The city treasurer in another.

Treasurer.

§ 284. The city clerk in another.

Clerk.

§ 285. The city tax collector in another.

Tax collector.

§ 286. The city assessor in another.

Assessor.

§ 287. The city surveyor in another.

Surveyor.

§ 288. The city marshal and the deputy marshals, and the officers of police shall have an office in another.

Marshal.
Deputies and officers of police.
Guard.

§ 289. The city guard shall have an office in another.

§ 290. And a guard-room for the safe keeping and security of persons who may be in custody, awaiting (temporarily) the hearing of the case against them.

Guard room for safe keeping.

ARTICLE II. PUBLIC SQUARES.

An Ordinance respecting Public Squares.

§ 291. *Be it ordained*, That the square bounded by Dauphin, St. Francis, Conception, and St. Joseph streets, is established as a public square, to be called Bienville square.

Bienville square.

§ 292. That the square bounded by Charles street on the east, on south by New Hampshire street, on the west Chatham street, on north by Main and Massachusetts streets, is established as a public square, to be called Washington square.

Washington square.

§ 293. That no person shall use or occupy any portion

Not to be occupied.

of either of the public squares, nor deposit any lumber, timber, wood, brick, or any other material, nor hang clothes nor clothing, nor permit it to be done without the permission of the city authorities.

Trees, &c.
not to be
injured.

§ 294. That no person shall cut down, bark, or in any manner injure, cut, or break any tree, shrub, or flower planted in or about either of the public squares.

Horses, &c.
not to be
turned into.

§ 295. That no person shall turn into either of these squares any horse, cattle, or any animal whatever, nor permit it to be done.

Nuisances
forbidden.

§ 296. That for any intrusion upon, or interference with either of these squares not heretofore specified, calculated in any manner to injure or deface, and for every nuisance committed therein or thereon, and for any violation of this ordinance, there shall be imposed a fine of fifty dollars.

Penalty.

Duty of
police.

§ 297. That the police officers shall take any property or animals that may be found in either square, and place it in safe keeping, subject to the order of the city marshal, and give notice thereof to the owner at once. If no owner be found, or if he fails to pay the fine and costs, the marshal shall sell it as follows :

May sell
property or
animals not
claimed.

§ 298. At the expiration of one week from the time it was taken, he shall give three days' notice in the official newspaper of the city, that it will be sold to pay the fine and costs, at which time he shall sell it to the highest bidder, for cash, in front of the municipal buildings, and the excess shall be paid to the owner, when known ; if unknown, it is forfeited to the city.

ARTICLE III.

An Ordinance respecting City Property.

Stores in
southern
market
to be rented.

§ 299. *Be it ordained*, That the stores erected in the southern market property shall be rented by the joint market committee, in such manner and at such time as, in their opinion, may best promote the interest of the city.

§ 300. That all leases shall expire on the first Monday

in November of each year. That before executing a lease, or giving possession to any person, the committee shall take notes with securities approved by four of their number. Each note to be for three months' rent, and made payable to the order of the city treasurer (who shall have the custody of them) at the Bank of Mobile.

Directions as to leases.

§ 301. That all property belonging to, or pertaining to the city, not provided for, or regulated by any of the ordinances of the city, shall be under the control and disposal of the mayor and the presidents of the board of aldermen and common council, subject to approval of the mayor, aldermen and common council.

All other property to be under control of mayor and presidents of two boards.

§ 302. That no person shall injure or deface any of the lamps nor lamp-posts, nor anything pertaining thereto, of the city, or extinguish the light thereof.

Lamps, &c. not to be injured, or extinguished.

Nor injure, nor destroy, break down, nor carry away any property whatever belonging to the city, under penalty of fifty dollars.

No property to be injured. Penalty.

CHAPTER XXXIV.

QUARRELING, &c.

An Ordinance to prohibit Quarreling, Riotous and Disorderly Conduct.

§ 303. *Be it ordained,* That no person shall be guilty of fighting, quarreling, or any riotous, indecent, or disorderly conduct in the streets, houses, or any where else in the city, nor of abusing, provoking, or disturbing, either by word or action, any person in, or walking in any street, road, or public way.

No fighting or disorderly riotous or indecent conduct.

Nor shall show or expose in public any writing, sign, drawing, print, caricature, statue, or any other object which may excite scandal, or has a tendency to disturb the public peace.

Nor scandalous sight.

Nor shall break down, destroy, injure, or carry away, any fence or any part thereof, or the steps, or blinds, or doors of houses.

Nor injure any fence, &c.

Nor deface
any sign or
plate.

Nor shall deface, break, or carry away any sign, board, or plate, indicating the name, residence, occupation or business of any person.

Nor injure
any tomb-
stone.

Nor shall destroy, break down, mutilate, or deface any tomb, grave, or sepulchral monument, erected in any burying-ground, or in any way violate the same, under penalty of fifty dollars.

Penalty.

CHAPTER XXXV.

SABBATH.

ARTICLE I.

An Ordinance to regulate the observance of the Christian Sabbath Day.

No person
over 15
years shall
break the
Sabbath.

§ 304. *Be it ordained*, That no tradesman, laborer or other person whatsoever, over the age of fifteen years, shall do or exercise any worldly labor, business, or work of their ordinary calling, on the Christian Sabbath, (works of necessity, charity, and the necessary occasions of the family excepted) under penalty of twenty dollars.

Penalty.

No store, &c.
to be open.

§ 305. That no person shall publicly expose for sale, nor sell in any store, shop, warehouse, or otherwise, any goods, wares or merchandise, upon the Christian Sabbath; and all stores, shops and warehouses in which goods of any description are kept for sale shall be closed during the entire day, from twelve o'clock Saturday night, to twelve o'clock, Sunday night, under penalty of twenty-five dollars.

Penalty.

Exception,
hotels, &c.

This section does not apply to keepers of hotels, boarding-houses, or public eating-houses, where no spirituous liquors are kept for sale, nor to apothecaries in their business as such.

No drinking
house to be
open, where
spirituous or
vinous
liquors are
kept.

§ 306. That every keeper of a drinking-house or shop, where spirituous or vinous liquors are kept for sale by the glass or drink, who shall allow the same to be kept open, or shall sell, or permit to be sold, any vinous or spirituous

liquors on the Christian Sabbath day, shall be fined fifty dollars. Penalty.

§ 307. That no sports, public exercise, or exhibitions, or games of any kind shall be allowed on that day, under penalty of twenty dollars. No sports or games exhibited.

§ 308. That any owner or keeper of any billiard-table, nine or ten-pin alley, or any other place of public amusement, who shall keep or permit the same to be kept open for use or amusement on that day shall be fined fifty dollars. Billiards, ten-pins, and public amusements forbidden. Penalty.

§ 309. That no person shall buy any goods or things whatever on that day, except in cases of sickness and for the necessaries of life, under penalty of five dollars. Shall only purchase necessaries. Penalty.

§ 310. That no wagoner, carter, drayman or driver, or any slave or servant, shall with his cart, dray or wagon, load or unload any goods, wares, merchandise or produce, or drive horses, cattle, sheep or swine in any part of the city (except in case of necessity) under penalty of five dollars. No driver shall load or unload cart, dray, &c., or drive sheep, horses, cattle, &c.

§ 311. That if any person shall disturb any congregation of people lawfully assembled at any church or public place of worship to perform divine service, Place of worship shall not be disturbed.

Or shall at any time cause any riot or disturbance in any of the churches or public places of worship of any sect of religion within the city he shall be fined fifty dollars. Penalty.

§ 312. That if any person shall employ any slave to work or labor on that day in the city (work of absolute necessity, and the necessary occasion of the family excepted) he shall be fined twenty dollars. Slave not to work, except necessary. Penalty.

§ 313. That barbers may keep open their shops on that day until 12 o'clock at noon, and not after, under penalty of twenty dollars. Barbers may keep open until 12 M.

§ 314. That the provisions of this ordinance shall not apply to steamboats or vessels, or railroad trains arriving or departing on that day. Not apply to vessels arriving or departing.

Nor to ice houses, livery stables, nor to milk carts furnishing the usual supply of milk to families, nor to gas-works, nor to newsboys delivering papers, nor to bathing establishments. Nor to ice houses, livery stables, milk carts, gas-works, newsboys, bathing establishments.

CHAPTER XXXVI.

SHOWS, THEATERS, EXHIBITIONS, &c.

An Ordinance to regulate Shows, Theaters, Exhibitions, &c.

Unlawful to exhibit theatrical or equestrian performance, &c.

§ 315. *Be it ordained*, That it is not lawful for any person to exhibit any theatrical or any equestrian performance, panorama, diorama or paintings, or any rare or uncommon animal or person, or any rope dancing, or feat of strength or agility, or any performance or show where the public are admitted for money or reward, nor to have or hold any fancy, or masquerade, or public ball where the public are admitted for money or reward.

Or public balls.

Or street musicians to perform without a license.

Nor for street musicians to perform upon any musical instrument in any street of the city, for money, unless they shall have a license from the mayor and the presiding officers of the two boards, under penalty of fifty dollars.

Mayor and presidents of two boards to determine tax.

§ 316. That the mayor and the presiding officers of the two boards shall assess the tax to be paid for such license, and the length of time.

Police shall attend all such performances.

§ 317. That at least one of the police officers shall attend all such performances and exhibitions, and preserve good order.

Shall be admitted free.

And the person having such license shall admit him free of charge, under penalty of fifty dollars.

At request, mayor may appoint four police officers to attend.

§ 318. That the mayor, at the request of the managers of any theater, may appoint four police officers to attend the theater every night of performance, who shall be paid by the managers for their services, and whose duty it is :

Duties of such officers.

To preserve strict order and decorum within the theater.
To arrest and eject from the theater any person who may be creating riots or disturbing, either by loud and boisterous talking, whistling, swearing, or hallooing, or any ungentlemanly or indecent acts or conduct.

And they are vested with full power and authority to call upon any person to assist or aid them in the performance of their duty.

§ 319. That any person guilty of any of the acts prohibited by the last section shall be fined fifty dollars, and when arrested by the police may be required to give good security for his appearance before the mayor, on that or the next day, and in default thereof may be committed to the city prison.

CHAPTER XXXVII.

SLAVES.

An Ordinance regulating Slaves.

ARTICLE I. REGULATION OF SLAVES.

“ II. TO REGULATE THE SALE AND HIRE OF SLAVES.

ARTICLE I.

An Ordinance regulating Slaves.

§ 320. *Be it ordained*, That it shall not be lawful for any person to buy or receive from or sell to any slave any commodity or liquid of any kind whatever, nor to give or furnish any spirituous or intoxicating, or malt liquors, without the consent of the owner in person or in writing, under penalty of fifty dollars.

Not to buy from, or sell to any slave any commodity, nor give any spirituous liquors, &c.

Penalty.

§ 321. That no free person shall at any time be in the company of or associate with any slave at any lawful or unlawful meeting of such slaves,

Free persons shall not associate with.

Nor secrete nor entertain any slave without the consent of the owner, under penalty of fifty dollars.

Nor secrete, nor entertain.

§ 322. That if any slave absent himself from his usual place of residence, owner or employer's service for the space of twenty-four hours, without a written pass, he shall be held to be a runaway, and arrested and dealt with as such, according to the provisions of the Code of Alabama in article 1, chapter 4, of part 1.

Slave absenting himself 24 hours without pass deemed runaway.

§ 323. That four or more slaves associated together off

Four or more constitute unlawful assembly

from their masters' premises, shall be an unlawful assembly, for which they shall be punished with twenty lashes.

Proviso.

But the mayor or any alderman or common councilman may, by permission in writing, authorize them to assemble at church, or any other place of worship, or elsewhere.

No rule conduct permitted.

§ 324. That no slave shall use any rude, violent or blasphemous language, or carry clubs, or any description of weapons,

Nor allowed to congregate in the streets, except when engaged in the business of their employers,

Not to ride or drive rapidly.

Nor allowed to ride or drive horses at a more rapid rate than a walk or moderate trot,

Nor smoke in the street.

Nor to smoke any pipe or segar in the streets of the city,

Nor seditious or disorderly.

Nor make any seditious speech,

Nor commit any disorderly conduct or trespass,

Nor lift his hand in opposition or against any white persons,

Nor harbor or conceal any slave, nor write or furnish pass, &c.

Nor harbor nor conceal any other slave, nor write for, nor furnish any other slave with any pass or free paper, nor be in the streets or away from his employer's premises at night after nine o'clock, P. M.

Nor own horse, cow, hog or dog.

Nor own any horse, mare, gelding, mule, cow, hog or dog,

Under penalty of not exceeding fifty lashes.

In absence of owner leaving slave in charge of house, or desiring slave to occupy separate house, but under his actual direction, shall file list with clerk.

§ 325. That the owner, employer or agent of any slave, leaving such slave in charge of his dwelling during his absence from the city (except temporary absence) or desiring his slave to occupy a house separate and apart from his residence, and still have such slave under his supervision and laboring under his actual direction and control in his service, shall make out a list of the name, age, size, and color of the slave that he desires to so leave in charge or occupy, with a specific description of the house to be kept in charge or occupied.

Mayor shall issue permit.

This list shall be filed with the city clerk, and on the payment of one dollar by the applicant to the city treasurer, the mayor shall issue a permit for such residence and occupation for such time, not exceeding twelve months, as may be desired, countersigned by the city clerk and dated from

the first day of January, April, July or October progressively numbered from one up, during each municipal year. Time.

And if it should appear that any misrepresentation has been made to the clerk or mayor, the mayor shall revoke and annul such permit. May be revoked.

That if any slave is left in charge of any dwelling, or permitted to occupy any house without such permit, he shall be fined ten dollars, or whipped twenty lashes. Penalty.

That if any owner, employer or agent, shall permit his slave to be left in charge, or occupy, or live, or reside apart from him, contrary to the provisions of this section, he shall be fined twenty dollars, and for every day that it continues, five dollars. Not to live apart from owner contrary to this section. Penalty.

ARTICLE II.

An Ordinance to regulate the Sale and Hire of Slaves.

§ 326. *Be it ordained,* That every slave brought within the city for sale or hire shall be recorded by the owner, agent, seller or hirer, in a book, to be kept by the city clerk at his office, the name, sex, age and color, and the place in the city where the slave is kept for sale or hire, for which he shall pay one dollar for each slave, to the city clerk. Every slave shall be recorded. Fee, \$1.

A copy of which record shall be furnished by the city clerk to the owner, agent, seller or hirer. Copy to be furnished by clerk.

§ 327. That no person shall establish or keep a depot for the sale or hire of negroes within the following limits : commencing at the east end of St. Michael street, running west to Conception, thence south to Church, thence east to the river, thence along the river to the place of beginning. No depot to be kept within certain limits.

Nor in any other place in the city, without first procuring the consent in writing of the mayor and presidents of the two boards, under penalty of fifty dollars. Proviso.

§ 328. That no slave shall hire his own time, nor the time of any other slave, under penalty of twenty lashes. And any person owning or having control of such slave, suffering or permitting it, shall be fined fifty dollars. Slave shall not hire his own time.

§ 329. That no person shall, in the city, employ or hire Penalty.

No person shall hire or contract with.

any slave, nor contract with any slave for hire, without the consent of the owner or agent of the slave, under penalty of fifty dollars.

Owners, &c. may procure badge to work by the day.

§ 330. That no person having control of any slave shall permit him to hire himself out to work by the day in the city, unless he has entered the name, age, and sex of such slave in a book kept at the city clerk's office for that purpose, and obtained a metal badge (for which he shall pay five dollars), on which shall be painted or engraved the number corresponding with the entry in the book.

How worn.

And the badge shall be worn by the slave on a conspicuous part of his dress.

Not necessary for driver of a dray

for the driver. But a license and number for a dray shall be sufficient

Not to be used for any other slave, &c.
Penalty.

The badge shall not be used for any other slave, nor for any longer time than that for which it was issued.

Any violation of this section shall be fined ten dollars.

Slave so licensed, refusing to work shall be punished.

§ 331. That if any slave, licensed as in the last section, shall refuse to work for any free person offering to employ him, unless previously engaged or actually employed, he shall receive ten lashes, unless his owner will pay three dollars.

Day's work, what?

That a day's work for such slave shall be from sunrise to sundown, allowing to him half an hour for breakfast, one hour and a half for dinner, and in the months of June, July, August and September, two hours for dinner.

All slaves taxed \$3, except—

§ 332. That all slaves employed at any kind of service between the first day of November and the first day of June in each year, shall pay a tax of three dollars each. But this shall not apply to slaves on which an ad valorem tax as slave property is assessed.

CHAPTER XXXVIII.

STREETS.

An Ordinance regulating Streets.

ARTICLE I. TO ESTABLISH, OPEN AND REPAIR STREETS.

“ II. REGULATION OF STREETS.

“ III. SHELLING, PAVING AND PLANKING STREETS.

“ IV. REGULATION OF SIDE-WALKS.

“ V. CITY SURVEYOR.

“ VI. RIGHT OF WAY TO RAILROADS AND SHELL AND PLANK ROADS.

ARTICLE I.

An Ordinance to establish, open and repair Streets.

§ 333. *Be it ordained*, That upon the written application of the owners of at least one-fourth in quantity of the property through or over which any new street, any alteration, improvement or repair is desired to be made, or where any water shall settle or stand, one-fourth of the owners of property adjoining such place shall petition the city to drain such place, the mayor shall give thirty days' notice of such application, in one of the newspapers of Mobile, calling on all persons interested therein to signify their objection thereto.

Upon written application of $\frac{1}{4}$ in quantity of property owners, streets may be opened, altered, or repaired, or drains may be made.

Advertisement.

The city surveyor shall then investigate and ascertain as near as practicable the probable cost and expense of the work petitioned for, and inform the mayor thereof.

Surveyor's duties.

At the expiration of the time given in the notice, the mayor shall report the probable expense to the two boards, together with what he has done, and submit any objection that may have been filed.

Mayor's duties.

§ 334. That if the mayor, aldermen and common council shall ordain that the work be done, the mayor shall then cause the marshal or any one of the police officers to summon a jury of twelve citizens to assemble at a given time

If directed, mayor's duty.

Jury. and place, of which notice shall be given in the official newspaper. At the appointed day the mayor shall impanel the jury, to assess the amount that the different pieces or parcels of the adjacent property shall contribute and pay to make up the amount of the probable cost and expense, in form as follows :

Assess. Form of. We, the jury impaneled to assess the amounts to be paid for (repairing Dauphin) street, do find that the costs of the (repairs) will be (five hundred) dollars, and we assess that A. B., shall pay - - - - - \$100 00
 B. C., executor of C. B., - - - - - 100 00
 The vacant lot on the north side of Dauphin, between Cedar and Warren streets, commencing 100 feet from Warren, then running east 55 feet, with a depth of 110 feet, the owners unknown, - - - - - 100 00
 The president and directors of the Bank of Mobile, - - - - - 200 00
 Mobile, November 17th, 1857.

R. R. DADE,
 JOHN KING,
 PETER PRINCE,
 JOHN DUKE.

(The twelve signing.)

Which shall be recorded by the city clerk, and a certified copy thereof by the clerk shall be a sufficient warrant for the tax collector to collect the said assessments, in the same manner as the taxes on real estate are collected.

Advertise for proposals.

§ 335. That after the assessment shall be made the mayor shall advertise in the official newspaper for 30 days for sealed proposals to do and complete the proposed work; on such proposals coming in, the mayor shall determine which is the best.

Contractor give bond.

The contractor whose proposal shall be accepted, shall give bond and security in double the amount of the contract for its faithful performance, and he shall not receive any money from the city, but shall be wholly paid as the work progresses, from the money collected from the assessment in the last section. That where a new street is established

How paid.

or repairs or alterations on such as are already established, the owners of the property through which it may run may do the work at their own cost, under the superintendence of the city surveyor.

Owners may do their own work.

§ 336. That where the alteration, improvement, or opening of the street terminates on the water or extends by the bank thereof, that a sufficient bulkhead or abutment shall be made of square and sound timber, not less than 12 inches square, to be secured with braces and iron fastenings, and so made as to carry off the water from the street, and shall be kept in repair by the owners of the property benefited by the improvements, alterations, or openings.

Where the street terminates in the water.

§ 337. That all streets and extensions of streets now opened and laid off in the city, however or whoever made by, are hereby declared to be public streets, subject to be regulated and disposed of only by the city authorities.

All streets now open are declared public.

§ 338. That no person shall open, extend or grade any street in the city, without the consent of the city authorities, and then it shall be done under their direction and control, under penalty of fifty dollars.

Street not to be opened, &c., unless by consent of city.

§ 339. That the act of opening or extending any street under the provision of the last section by the owners of the property over which it extends shall be taken and held to be a complete dedication thereof to the city for the use of the public, of the land over which such street is run.*

When so opened, is a dedication.

ARTICLE II. REGULATION OF STREETS.

§ 340. *Be it ordained*, That no person shall lay pipes of iron, lead, or other metal, or of wood, for conveying water, or for any purpose, in any of the streets of the city,

Pipes, how laid in the streets.

(*Adopted since Code.)

Section 1. Be it ordained, By the mayor, aldermen and common council of the city of Mobile, that the road heretofore known as the Dog River Road be and the same is hereby declared to be a street of the city of Mobile, and to be known as Dog River Road street.

Section 2. That the said Dog River Road street shall commence at the intersection of Wilkinson street with the said road, and shall thence continue in a straight line to the north line of a lot formerly owned by Sidney T. Douglass, and thence on to the location of the present road southerly, to the southern limit of said city, and shall have a width of forty feet.

- nearer to the center of the street, than four feet, under penalty of twenty dollars, and twenty dollars each day, until removed.
- Penalty.** That no person shall destroy or remove the bolts or other bolts, &c. not to be moved. marks, indicating any lines of the streets, under penalty of fifty dollars.
- No building or fence to be erected unless surveyor, &c. designate the line.** § 341. That no person shall erect, rebuild, or enlarge any house, building, or fence fronting on any street in the city, unless he shall have called on the city surveyor, or in his absence, two aldermen, to designate the line of the street, under penalty of fifty dollars.
- Penalty.** And any house, building or fence, which may be placed so that it encroaches on the street, is a nuisance, and shall be removed back to the proper line of the street, under penalty of ten dollars for each day it continues.
- Declared a nuisance to be removed.**
- Materials, how placed.** § 342. That it is not lawful for any person employed in building or repairing any house, store, or other building, to lay or place bricks, boards, timber, or any material for building in the streets so as to occupy more than one-third of the middle of any street, under penalty of twenty dollars.
- Penalty.** § 343. That no person shall obstruct nor incumber any street in any way, nor throw nor deposit in any street or gutter, ditch or drain, any cotton, lumber, fire wood, cart, dray, wagon, or any article, nor any hay, straw, dung, kitchen stuff, broken glass, parings, or bits of leather, paper, or cloth, nor any shavings or chips, nor any kind of filth or trash whatever, under penalty of five dollars.
- Penalty.** Nor dig, or haul, or carry away, any earth or materials of any kind from any street, nor from any ditch opened or excavated.
- No earth to be dug.**
- Nor to injure any tree.** Nor to cut, fell, break, strip off the bark, or damage in any manner, any tree which is planted in any walk, square, street, road, or public way.
- Nor injure any board, plate, &c.** Nor pull down, remove, nor deface, injure, or destroy any board or plate indicating the name of any street.
- Nor permit any erection to remain which mayor directs to be removed.** Nor permit any wall, house, or other building or erection, to remain standing, if the mayor notifies him that he is of the opinion that they are liable to fall and endanger the lives of persons passing.
- Nor haul, carry, or transport through any street of the

city any timber, lumber, or any other article, in such manner that any part thereof shall drag upon or touch the street. Nor haul so as to drag the street.

Nor plant any trees in the street unless they are placed on the outer edge of the side-walk, and not more than eight inches within the line of the curb-stone. How to plant trees

Nor shall erect any building, sheds, or inclosure of any kind east of Front street, on the west side of the river, under penalty of fifty dollars. Nor erect any building &c. east of Front street. Penalty.

§ 344. That there shall be placed the name or sign of each street in legible painted letters on one of the corners at the intersection of each street, north of Massachusetts, east of Broad, and south of Hunt streets, including these streets, upon a conspicuous place. Name of streets on the corner.

§ 345. That Front street shall be of the width of seventy feet, measuring from the building on the west side of the street, sixty of which shall be used as a roadway for vehicles. Width of Front street.

§ 346. That the United States is authorized to close up so much of the street as is immediately in the rear of the marine hospital, and to appropriate the same for the purpose of extending and improving the grounds of the said hospital.* U. S. may close a street

(*Adopted since Code.)

Section 1. *Be it ordained,* That on and after the passage of this ordinance, it shall be the duty of the city surveyor to employ some competent person to number each house and vacant lot in the city of Mobile so far as the same may be practicable.

Section 2. That it shall be the duty of the person so employed to take Government street as the base, starting-point for numbering all houses and vacant lots on streets running north and south, and the Mobile river as the base of streets running east and west, unless otherwise directed by the city surveyor.

Section 3. That the person so employed shall be required, within a reasonable time after his or their employment, to furnish the owner or owners of houses and vacant lots fronting, on any street in the city of Mobile with an appropriate number painted on japanned tin, for which the person so employed shall be entitled to demand and collect from the owner or owners of any house or vacant lot the sum of twenty-five cents as his compensation for the proper number so delivered.

Section 4. That it shall be the duty of every owner of a house or vacant lot in said city to receive from the person or persons employed as aforesaid, the number or numbers which may be furnished them, and within a reasonable time thereafter to cause the number or numbers so furnished to be placed permanently on the door or doors opening on the streets, or if a vacant lot, and the same be inclosed, then the number be placed appropriately, and in a conspicuous place on the fence or inclosure, and any owner of a house or vacant lot, or the agent of the same, failing or refusing to comply with the provisions of this ordinance, shall forfeit and pay the sum of five dollars for every day he, she, or they shall refuse or neglect to cause said number or numbers to be placed as aforesaid, to be recovered before the mayor, or any one of the aldermen or common councilmen of said city.

Section 5. That it shall be the duty of the person or persons employed to do the number-

ARTICLE III. SHELLING, PAVING AND PLANKING OF STREETS.

An Ordinance to provide for the Shelling, Planking or Paving of Streets.

Two-thirds of owners may petition.

§ 347. *Be it ordained*, That whenever the owners of at least two-thirds in quantity of real estate fronting on any street, shall in writing petition for the shelling, paving or planking of such street within the city, it shall be lawful for and is hereby made the duty of the mayor, aldermen and common council to order such street to be shelled, paved, or planked, according to the provisions of the Act of the legislature approved December 8th, 1853.

Boards may direct.

Work done under supervision of surveyor.

§ 348. That the work shall be done in such manner as the mayor may direct, under the especial supervision of the city surveyor, whose duty it shall be before the commencement of the work to furnish the proper grade of the street to be shelled, paved or planked.

He shall report cost.

§ 349. That when the work is completed the city surveyor shall ascertain and report to the mayor the expense of it.

Mayor and surveyor shall assess.

That then the mayor and the city surveyor shall assess the proper amount to be paid by each owner of property, (or piece of property when the owner is unknown) fronting on the street where the work has been done.

He shall certify to tax collector.

They shall certify the assessment to the city tax collector and the certificate shall be full authority for said tax collector to collect the assessment.

It shall be in the following form :

Form of.

STATE OF ALABAMA, }
CITY OF MOBILE. } *Mayor's Office.*

To the Tax Collector of the City of Mobile :

The city surveyor having reported to the mayor of the city of Mobile that the expenses of (shelling or paving, or

ing, to furnish the city assessor with the numbers and names of the owners of houses or lots as fast as the same shall be ascertained by him.

Section 6. That the person or persons employed as aforesaid, shall be under the direct supervision of the city surveyor, and may be by him removed, when, in his judgment, the person employed shall refuse, or fail to execute the provisions of his contract in good faith.

Section 7. That all laws or parts of laws of said city, conflicting with the provisions of this ordinance, be, and the same are hereby repealed.

planking on Dauphin street) amounts to five hundred dollars,

We assess that A. B. pay, - - - - - \$100 00
 " " " B. C., administrator of the estate
 of C. D., - - - - - 50 00
 We assess that vacant lot on north-west corner
 Dauphin and Cedar, with front of 55 feet and
 depth of 110 feet, - - - - - 50 00
 We assess that E. F., - - - - - 300 00

And the tax collector is commanded to levy of the goods and chattels, lands and tenements of the said persons, and to attach and sell the said lots to make the said several sums of money and costs, and that he have the money in the office of the city treasurer of Mobile, on or before the day of 185

JONES M. WITHERS,

Given at Mobile this } *Mayor.*
 day of }
 P. J. PILLOWS,
City Surveyor.

§ 350. That it shall be the duty of the tax collector to collect without delay the several amounts assessed in the same manner and with the same authority as he has in collecting the ordinary tax on real estate, and be entitled to the same compensation. Tax collector's duty.

ARTICLE IV. REGULATION OF SIDE-WALKS.

§ 351. *Be it ordained,* That the owner or claimant, or occupier of every lot of ground shall make or cause to be made and keep in repair to the whole extent and front of his property, a side-walk on each side of the street. To be made and kept in repair by owner or occupier.

Upon every street and exclusive of the gutter, Width.
 Over thirty and under forty feet wide, - - - six feet
 Over forty and under sixty feet wide, - - - eight feet
 Over sixty and under one hundred feet wide, - ten feet
 One hundred feet wide, - - - - - fifteen feet

Grade. According to the level and graduation to be furnished by the city surveyor.

Material in fire limits. That the materials used within the fire limits shall be of whole bricks of good quality, and for making bank-heads shall be of heart pine or cedar three or four inches in the surface by fifteen inches in depth, or if stone be used, it shall be four inches thick throughout and fifteen inches deep, and not less than three feet long with hewn sides so as to form close and fair joints, and present fair surfaces and a proper level at the top.

And the portion before gates for the passage of carts or other vehicles shall be shelled or paved with stones or brick, laid edgewise.

Not in the fire limits. § 352. Outside of the fire limits and upon every square on which there shall exist more than one building, the side-walk may be made of sand or any material capable of being smoothed and made hard. It shall be made sloping towards the street in such way that the water may not remain on it, that the bank-heads shall be of pine stuff not less than three inches thick and fifteen inches wide, or of sound flat boat gunwales, and there shall in all cases be a proper gutter across the side-walk made of plank, to lead the water from the yard or lots into the streets, under penalty of fifty dollars.

Not to obstruct in any way. § 353. No person shall obstruct, embarrass or incumber any side-walk with cotton, lumber, fire-wood, carts, drays, wagons, goods, wares or merchandise, or any article. Nor drive any horse, cart, dray, wheelbarrow or carriage over the side-walk, (except to cross it to enter the lot.

No auction. Nor sell or offer for sale at public auction or outcry in the streets or on the side-walk any slaves, or horses, cattle or live stock, except at such places as the mayor may designate.

Nor expose goods. Nor expose for public or private sale in the streets or on the side-walks, any goods, wares or merchandise.

Nor erect gates. Nor to erect gates to open on the street, nor permit them to remain when erected.

Nor permit dangerous walls, &c. to remain. Nor to permit any walls, houses or other buildings that are in a broken or ruinous condition, liable to fall or en-

danger the lives of persons passing by, to remain or otherwise obstruct the side-walk, under penalty of fifty dollars, and fifty dollars for each day that any violation of this section continues. Penalty.

§ 354. That within the fire limits no veranda or balcony attached to any building shall be erected at a less height than twelve feet, nor any gallery, awning, sign or other projection attached to any building shall be erected at a less height than nine and a half feet above the side-walk, No erection over the side walk less than 12 feet high in fire limits.

Nor extend over the street more than the width of the side-walk in front of the building. Nor to extend wider than walk.

The posts or columns to support the verandas and balconies shall be composed of iron, and placed on a line within four inches of the outer line of the curb of the side-walk. Posts and columns.

Nor shall any other projections be so constructed as to be supported by any posts or pillars erected in the street or on the side-walk. Nor shall any other posts or pillars be erected in the streets or on the side-walks, (except temporarily while building) but those used to support the telegraph wires, and for gas-lights, and iron posts placed on the outer edge of the side-walks to tie horses to, which shall not be less than four feet nor more than five feet high, under penalty of fifty dollars. Other projections.

And all posts or pillars now standing not composed of iron, in compliance with this section, are declared a nuisance, and shall be abated, under penalty of twenty dollars, and a fine of five dollars for every day that it is permitted to remain. No posts or pillars, except—

§ 355. That all persons tenants of houses, yards, lots, or grounds fronting on any street, shall sweep or cause to be swept, and to clean or cause to be cleaned, that part of the side-walk that lies before their premises, every day, before ten o'clock in the morning, under penalty of one dollar. How placed.

§ 356. That where any tree is growing or standing on any side-walk, and any branches or boughs extend over the side-walk or street, that the tenant of the lot before which Penalty.

To be swept every day before ten.

Posts or pillars otherwise placed, a nuisance.

Penalty.

Penalty.

Trees to be trimmed.

such tree stands shall cause it to be trimmed to the height of twelve feet above the side-walk, under penalty of fifty dollars.

Duty of marshal when owner of nuisance is unknown.

§ 357. That when any article is found obstructing or incumbering the side-walks or streets of the city, and the owner is unknown, the city marshal or any police officer, under the direction of the mayor, 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, after giving three days' notice in the official newspaper, of the time and place.

Proceeds, how disposed of.

The proceeds shall be paid into the city treasury, after deducting the expenses and costs, and if the proceeds are not called for by the owner within sixty days it is forfeited to the city.

Injury to walk to be repaired.

§ 358. That every person who shall injure any side-walk or gutter shall cause the same to be repaired within twenty-four hours thereafter, under penalty of twenty dollars.

Penalty.

If minor, slave, or animal.

If the injury or damage be committed by a minor, apprentice or slave, or by any animal, the father, guardian, minor, master or owner shall be bound to cause the repairs to be made at his expense, and shall pay the fine, and if the owner of the slave or animal is unknown, such slave or animal may be taken by the marshal or any police officer, as is provided for in section 357, for the disposition of articles found obstructing or incumbering the side-walks or streets, and shall be disposed of, as is therein provided.

When owner of is unknown.

ARTICLE V. CITY SURVEYOR.

Election of, &c.

§ 359. *Be it ordained*, That the present term of the city surveyor expires on the 1st Monday of March, 1859, and on that day and every three years thereafter there shall be elected by the convention a civil engineer who shall be called the "city surveyor." He shall give bond in the sum of one thousand dollars and receive fifteen hundred dollars a year, payable monthly, and shall be allowed twenty-five dollars a month to pay a chain-bearer or hand. When the

Bond.

Salary.

office of street inspector expires, he shall receive three hundred dollars more per annum.

§ 360. He shall have his office in the municipal buildings, which he shall keep open every day, except Sunday, from 9 o'clock A. M. until 2 o'clock P. M. and from 4 o'clock P. M. until 6 o'clock P. M. unless engaged at his official duties.

He shall safely keep there all records and maps pertaining to his office, subject to the inspection of the mayor or any of the aldermen or common council; such records and maps shall remain and be the property of the city.

He shall give all information of record in his office to any person calling for the same, free of charge.

He shall keep at his office a proper book, to be called "complaint book," to which every person shall have access at all times, in office hours, in which he shall enter all complaints made of nuisances and obstructions in the streets and side-walks to be removed, or repairs of streets to be made, the date of the complaint and the name of the complainant.

If the removal of any nuisance or obstruction or making any repair requires the action of the mayor or boards, he shall report to them immediately; if not, he shall do it.

He shall report to the mayor all houses, walls or buildings in a broken or ruinous or other condition which are liable to fall and endanger the lives of persons passing in the streets.

And whenever required he shall report to the mayor, aldermen or common council, information on all subjects pertaining to his office; when any contract for grading, shelling, planking, paving or guttering any street, lane, alley or other property pertaining thereto, shall have been made, he shall be furnished with a copy, which he shall record in a book kept for that purpose in his office.

§ 361. It is his duty to make full and accurate maps of all parts of the city, making full and complete field notes of them, and entered in a book kept in the office, which shall be open to every person, under his supervision.

To ascertain as accurately as possible the different squares and lots, giving to all persons interested due notice, so that they may designate their property.

- No record but of actual surveys. He shall not record or place in the books of the city any map or notes, unless they shall have been prepared from actual survey.
- Shall mark out all streets, &c. § 362. That it is his duty to mark out all streets, lanes, alleys, side-walks or foot-ways whenever the same shall have been ordered or accepted by or have become the property of the city.
- Survey all lands. To survey, when required, all lands belonging to or in the occupancy of the city.
- Ascertain the grades of streets, and continue them. To ascertain as early as practicable the grades of the different streets in the city, and so make them that the graduation may be carried out under his supervision, and of his successors in office, beginning in the central parts of the city, and extending gradually to the city limits, so that the whole city may be properly drained.
- Furnish scale. To furnish the scale of gradation of all new streets, and all streets to be paved, shelled or repaired, and to report to the mayor any person improperly marking out or graduating any street, alley, lane or side-walk.
- Make plans. To make the plans, specifications, estimates and examinations provided by these ordinances, and whenever called on to do so by the mayor, aldermen or common council, and keep a record thereof in his office. To see that all contracts for making or repairing any street, lane, alley or side-walks are faithfully executed.
- See that contracts are complied with.
- To fix course of streets and fronts of lots. To determine and fix all corners of streets and fronts of lots, and give a certificate thereof when called on by the owner, who shall pay two cents per running foot to the surveyor therefor.
- Furnish lines and levels. To furnish the running lines and levels for the erection or repair of all buildings, houses, walls or fences fronting on any street, or to make or repair any and all side-walks.
- Lines of streets, &c. And to provide the lines of the streets, alleys, lanes, fronts, side-walks, &c., he shall take such steps for the permanent marking and defining them as he may deem advisable, and keep a record in his office of all such marks as he may make, or such bolts as he may place.
- Under the mayor to supervise streets, &c. § 363. It shall be his duty, under the direction of the mayor, to exercise immediate supervision over the streets,

lanes, alleys, side-walks, &c., of the city, and to direct and control the force, laborers, horses, carts, and other working power that may be provided for the working of the streets.

And street force.

To keep a correct record of the time they are employed from day to day, which he shall report monthly to the city treasurer.

To keep record of employment and report.

To keep a correct account of all implements of every description belonging to the city, and used on the streets, which may be in his custody, charge or keeping; and make a report thereof at the end of every three months, accounting for loss or destruction of any, and any deficiency not accounted for satisfactorily, shall be charged to him, and deducted, by order of the finance committee, from his salary.

To keep account of property, and report every three months.

Accountability.

And whenever, in his opinion, it may be necessary to renew or erect any bridge or bridges, he shall report the same to the mayor, with an estimate of the probable cost and expense of it.

Report as to bridge.

He shall daily examine the streets, lanes, alleys, vacant lots and side-walks of the city, and cause them to be kept clean and in good order, and to report to the mayor all persons who may be guilty of violating any of the ordinances relating to streets.

Daily examine streets, &c.

Duties.

Report to mayor.

§ 364. That from and after the 1st of January, 1858, he may appoint, with the sanction of the mayor, an "overseer of the street force," who shall receive from the city fifty dollars a month for his services as such. He shall receive and execute such orders as the surveyor may think proper to give for the employment and government of the force to be employed upon the streets.

With sanction of mayor may appoint overseer of street force.

Duties of.

And shall report to the surveyor, under such regulations as he may establish.

Shall report.

§ 365. That until the 1st of January, 1858, the present street inspector shall fill the office of overseer of the streets.

ARTICLE VI.

An Ordinance to grant the right of way to the Mobile and Ohio Railroad.

§ 366.—*Sec. 1. Be it ordained,* That the Mobile and Ohio Railroad Company are hereby invested with the right

Adopted, Dec. 1849.

of way through the following named streets within the corporate limits of the city of Mobile, to wit: commencing on Hunt street, at the junction of the same with Royal street, and running through the center of the said Hunt street to the river; also through Water street and Commerce street, from Hunt street to such point or location in the southerly part of the city as the said company may select for their depot, with the right of passing from Water street to the river through St. Louis street, Church street, and Canal street, or any other street that the company may select south of said Canal street; also through Hunt street in a westerly direction from Royal street to Broad street, thence to Canal street or any street south of the said Canal street, and thence easterly through the said Canal or other street to the river; with the privilege of laying down a single railroad track through the center of either one or more of the above named streets as the said company may select, and the right of running the ordinary railroad cars thereon: *provided*, however, that steam power shall not be used in any of the streets within the corporate limits, south of Hunt street. And *provided*, also, that lights shall be attached to the cars when used at night, and at all crossings warning shall be given, so as to prevent collision, and generally, care shall be taken by the said railroad company and its officers, so as not to interrupt, or in any way embarrass the public; and free use of the streets and thoroughfares through which the said railroad may pass, and *provided* further, that nothing in this ordinance contained shall be so construed as to debar the said mayor, aldermen and common council of Mobile from granting the same privileges herein provided for to other corporations or individuals, in case the same shall not be improved and used by the railroad.

An Ordinance to grant the right of way to the Mobile and New Orleans Railroad Company.

Adopted,
May, 1854.

§ 367.—*Sec. 1. Be it ordained*, That the city surveyor be, and he is hereby required to survey and lay off Virginia street in accordance with the established plan of the city,

and when completed, report to the president of the Mobile and New Orleans Railroad Company.

§ 368. *Sec. 2.* That the said Mobile and New Orleans Railroad Company shall then have the privilege of opening and grading said Virginia street, in strict conformity to the lines and boundaries furnished by the city surveyor, on the condition that said street be placed in good traveling condition by the said railroad company, free of cost to the city. And the said Virginia street, when completed, shall and is hereby declared to be condemned to the use of the city as a public street, and as such shall be kept open for the free use of the public forever.

§ 369.—*Sec. 3.* The Mobile and New Orleans Railroad Company are hereby invested with the right of way through the corporate limits of the city of Mobile as follows, to wit: entering the city at its western limits, immediately north of where Virginia street strikes the western limits of the city, thence along the northern line of said street, in the continuous width of one hundred feet north of the northern boundary line of Virginia street to the west line of Hamilton street. And it shall be for said company to establish their principal depot, to wit: at any point on Virginia street west of the west line of Hamilton street, and east of the east line of Ann street, between Virginia and Maryland streets, with the privilege of laying down a single, double, or treble track, which shall be on the first fifty of said way, north of Virginia street, the main track being in the middle of said fifty feet, and the remaining fifty feet of way shall be opened and graded by the said Mobile and New Orleans Railroad Company, free of expense to the city, to be used as a public street, forever. Said railroad company shall have the privilege to traverse the track with their engines and cars, driven by steam or locomotive power, the city reserving the right to prohibit the use of steam within the city limits, whenever the corporate authorities shall consider it necessary to do so.

And it shall also be lawful for the said Mobile and New Orleans Railroad Company to locate along the line of said route, within the city limits, other depots, not to exceed

two in number, at such points as said company may find expedient: *provided* said company shall open at their own expense, around said depots, streets fifty feet wide, and *provided*, also, that lights shall be attached to the cars when used at night, and at all crossings warning shall be given so as to prevent collision, and general care shall be taken by the said railroad company so as not to interrupt, or in any way embarrass the public in the free use of the streets and thoroughfares through or across which the said railroad may pass.

An Ordinance to give the right of way to the Mobile Bay Road, and to the Mobile and Spring Hill Plank or Shell Road Company.

§ 370.—*Sec. 1. Be it ordained*, That the Mobile Bay Road Company is authorized to construct the road of said company upon either one of the streets known as Conception, Lawrance, and Cedar street, from any point south of the south line of Government street to the Bay of Mobile, and from thence along the Bay of Mobile upon the street known as Bay street, as far as the same extends as now opened, and from thence along the bluff of said bay, in conformity with charter of said company, to the southern limits of the city. But no toll gate shall be erected north of the intersection of Conception and Bay street, and no planks, except for bridges and culverts, shall be laid on Conception, Lawrance, or Cedar streets.

§ 371.—*Sec. 2.* That the Mobile and Spring Hill Plank or Shell Road Company is authorized to construct the road of said company from the western limits of the city eastward to Broad street in the city, crossing Kilmarnock, Ann, or any other street which it may be necessary to cross; but said streets shall not be in any way obstructed by the erection of barriers or gates by said company, but shall remain at all times free and open.

CHAPTER XXXIX.

TAXES AND TAXATION.

An Ordinance to provide for the Assessment and Collection of Taxes and Licenses.

ARTICLE I. ASSESSOR AND ASSESSMENT OF TAXES.

" II. COLLECTOR AND COLLECTION OF TAXES.

" III. ASSESSMENT AND COLLECTION OF LICENSE TAXES.

ARTICLE I. ASSESSOR AND ASSESSMENT OF TAXES.

§ 372. *Be it ordained*, That real property or estate when referred to in this ordinance shall include real property as defined in section 24 of this Code, and land, houses, hereditaments, permanent fixtures or attachments thereto, out of the city, if extended to and attached to real estate within the city, if by means thereof such property out of the city is made an adjunct to the carrying on of any business in the city, including water-works and gas-works for supply of the city.

And personal property or estate when referred to includes personal property as defined in section 24 of the Code, and all matters of a temporary or movable property in which a right can be had or riches consist, and income, (except salary and wages for hire, which shall not be taxed.)

§ 373. That in assessing property no distinction shall be made as to persons, but may be made in the property taxed as shall seem meet and proper by the mayor and the presidents of the two boards.

That a license to carry on any trade, business or pursuit shall not be deemed a tax on the property employed or the income derived from it.

A poll tax of one dollar shall be laid and assessed on all free male adults in the city.

§ 374. That on the first Monday in March, at or after

Assessor elected.

the expiration of the term of the present incumbent there shall be elected in convention from the resident freeholders of the city, an "assessor of taxes" for the term of three years, who shall give bond in the sum of five thousand dollars and receive an annual salary of fifteen hundred dollars, payable monthly.

Term.

Bond.

Salary.

Vacancy, how filled.

When a vacancy occurs by death, resignation or removal from the city, the convention shall elect a person with the same qualification, who shall hold office until the next first Monday in March, and for three years thereafter.

Duties. Office in the municipal buildings.

He shall keep his office in the municipal buildings and devote his entire time and attention to the duties appertaining to his office, and shall hold the books and papers relating to his office, at all times during business hours, open and free to the inspection of every person.

Shall make assessment each year to be completed before 1st Monday in February.

§ 375. That each municipal year he shall make a full and complete assessment of all the real and personal property in the city, which shall be completed for each ensuing municipal year before the first Monday in February.

Clerk shall furnish him with alphabetical list of voters. How arranged.

In order to aid him in doing this, the city clerk shall each year furnish him with an alphabetical list of the voters in the city, who voted at the then last election, the names to be arranged in the wards in which they voted.

Note each name.

And as each person whose name is on the list, is assessed, he shall note it opposite to the name.

Names to be added.

And every person whose name is not on the list, shall be added thereto when he is assessed.

Clerk to make additions to his list.

And on the next list made by the clerk he shall add such names as appear from the assessor's last returns, and not found in the list of voters. So that each year's returns of names by the assessor and the voter's list, may aid him in making full assessment.

Commence 1st Decr. in each ward.

§ 376. He shall begin not sooner than the 1st of December, and as soon thereafter as practicable shall appoint in each ward in the city a time and place for taking assessments, notice of which shall be given by advertisement for ten consecutive days of publication in the official newspaper.

Notice.

§ 377. ASSESSOR'S NOTICE.

Notice is hereby given that on the 14th day of December, 1857, I will attend at (J. B. C's.) on Munroe street, between Royal and Water, between the hours of (9, A. M.,) and (4, P. M.,) to assess the property in the (5th ward) at which time and place all persons are required to give in their assessment of property.

DANIEL WALKER,

Assessor.

Mobile, Dec. 1st, 1857.

At which time all persons shall be required to give their assessments at such of the places as they please, and any person failing so to do shall pay to the assessor 25 cents.

§ 378. At such time and place he shall attend and shall well and truly assess the property of every person, setting forth a list and description of the property assessed, (using the city maps when applicable,) its value, the name of the party assessed and his business, in form substantially as follows :

NAME, BUSINESS, AND RESIDENCE.	DESCRIPTION OF PROPERTY.	VALUE.	Form.
A. B., broker, Mobile,	House and lot, north side Dauphin, between Royal and Water streets :	\$5,000	\$5,000
	55 feet front ; 110 feet deep, - -		
	5 negro men, - - - - -		
Unknown owner,	4 horses, - - - - -	800	
	Vacant lot, south side Munroe, between Royal and Water streets :	5,000	5,000
60 feet front ; 120 feet deep - -			

He shall use all diligence to ascertain all persons and property that are subject to assessment, and assess them.

When he has filled his appointment in each ward of the city, he shall (aided by the clerk) compare his assessment with the lists made by the clerk, and note all that are not assessed.

Then with surveyor. He shall then (aided by the city surveyor) compare the property assessed with a correct map of the city, and ascertain what real estate is omitted in his assessment, and shall assess it.

Shall assess those not assessed. He shall then assess all persons on the list not already assessed, and all others who he can ascertain have not been assessed.

Unknown owners. And where owners are not known he shall assess the same to "unknown owners?"

May administer oath. In ascertaining all assessments the property to be assessed, the owner, its value, its description, or any other matter within the range of the duties of assessing the property, he is authorized and empowered to administer an oath in the following form :

Form of oath. I do solemnly swear, or affirm, that the list I have delivered contains all the taxable property I have in any manner in my possession, within the limits of the city of Mobile, subject to taxation, and that I do not know of any other, so help me God.

A. B.

Subscribed and sworn to }
 before me, }
 D. WALKER,
Assessor.

Shall be filed with clerk. Which shall be filed in the office of the city clerk, that he may ascertain the value of property subject to assessment from the oath of the person, any information that he may obtain, or from his own knowledge, but the only rule of appraisement shall be the cash value of the property.

Cash valuation. § 379. And if any person shall refuse to make oath as above, he shall be assessed double. That when his assessment shall be complete, he shall arrange and copy alphabetically in plain and legible hand-writing, in books to be provided by the city, lists of the assessments, and shall have the books completed and properly made up for the inspection and use of the city authorities, on or before the first Monday in February in each year.

Person refusing to take oath assessed double.
 When completed, shall copy alphabetically.
 To be completed before 1st Monday in February. Assessment to be returned to clerk. § 380. That the assessment shall be returned to the city

clerk as soon as completed, not later than the first Monday in February, verified by the oath of the assessor as follows: Not later than 1st Monday in February. Sworn to.

THE STATE OF ALABAMA, }
MOBILE CITY. }

Form of oath.

I, Daniel Walker, assessor of taxes for the city of Mobile, solemnly swear that I have assessed all of the taxable property, both real and personal, so far as I know or have been able to learn after the most diligent endeavor and inquiry, that I have valued the property so assessed and set it forth in the tax list, according to the best of my knowledge and judgment.

DANIEL WALKER.

Subscribed and sworn to before }
me, this day, Feb. 1st, 1858. }

JONES M. WITHERS,
Mayor.

Or by any justice of the peace, which shall be written at the end of the assessment lists. By mayor or justice.

The clerk shall file the same and enter a copy of it on the records of the city. Clerk shall file copy,

And on the day that the assessment list is filed and returned into his office he shall notify, in writing, the mayor and the presidents of the two boards of the fact. And notify mayor and presidents.

§ 381. That as soon thereafter as is convenient, the mayor and the presidents of the two boards shall meet and form a court, and assess the number of cents on the dollar to be taxed on the property listed and returned by the assessor. Mayor and presidents shall meet.

They shall make an order of record requiring ten days' notice to be given in the official newspaper by consecutive publications, that the assessment and tax laid thereon are ready and open for inspection by all persons interested, and that all objections thereto must be made within twenty days after the date of the first publication of the notice, and set a day not less than twenty days after the first publication of the notice for the hearing of all exceptions thereto. And make an order of publication that the assessment is ready for inspection, and that objections may be made.

§ 382. The notice may be as follows :

OFFICE OF THE CITY CLERK, }
Mobile, 185 }

Form of notice.

Public notice is hereby given that the assessment lists of

taxable real and personal property in the city of Mobile for the year 1858, have been completed and returned to the mayor, aldermen and common council, by the assessor, and are open for inspection at my office.

All persons feeling themselves aggrieved by the assessment of their property are hereby requested to make and file their exceptions in my office on or before the day of _____ at which time the same will be heard.

D. L. CUMMINS,

City Clerk.

Clerk shall see that notice is given at once. Clerk shall attend all meetings, &c.

And it shall be the duty of the clerk to see that the notice is given immediately.

§ 383. The city clerk shall attend all meetings and record all of the proceedings of the said court throughout their action on the assessment lists.

He shall receive and file all exceptions to the assessment lists, and shall make a docket thereof, which he shall lay before the said court.

On the day set, shall meet and take up objections and consider them.

§ 384. On the day appointed for the hearing of exceptions to the lists, or on such day to which the court shall continue such hearing, they shall meet in the court room of the mayor, and shall take up, hear and determine each exception filed, and shall decide thereon as a majority of them may deem just and right.

What shall be stated.

They shall distinctly and clearly state the decision made on all exceptions, and that all exceptions filed have been heard and decided, and that, save as excepted to and altered upon the hearing of the exception, their previous actions are in all things confirmed, and that the assessment and the number of cents to be paid as assessed by the court be and are fully determined as assessed and laid as taxes on property in the city, for the municipal year beginning with the first day of December of each year, and ending with the last day of November next thereafter. Said entry shall contain an order that the action taken by the court be at once reported by the clerk to the mayor, aldermen and common council.

And ordered to be reported by clerk to boards.

§ 385. The clerk shall at once give the notice to the boards of aldermen and common council, who shall separately convene,

attended by the city clerk, and shall cause an entry to be made reciting that they have received said notice and have met, and that they find the proceedings conformable to law, and that they are approved by them, which shall be approved by the mayor.

On notice, the boards shall convene and adopt the action which shall be approved by mayor.

§ 386. That the city clerk shall at once prepare a list of the assessment so made containing a description of the real property, with its valuation and the tax assessed and laid thereon.

Clerk shall prepare lists of real property.

And the amount of the personal property assessed to each person, with the tax assessed and laid thereon.

And personal property.

And the name of each person liable to a poll tax, and the amount of such poll tax, and shall submit said list to the mayor.

And poll tax.

§ 387. The mayor shall thereupon append thereto his warrant to the tax collector of the city as follows :

Mayor's warrant to tax collector

STATE OF ALABAMA, }
CITY OF MOBILE. } *Mayor's Office.*

Form of warrant.

To the Tax Collector of the City of Mobile :

Whereas, The mayor, aldermen and common council of the city of Mobile, did, on the _____ day of 18 _____ assess and lay upon the assessed value for the year eighteen hundred and _____ of the real and personal property hereafter described, the several sums set opposite thereto, and also the poll tax as therein set forth, for a tax for the municipal year eighteen hundred and _____ as follows : [Here set out the list.]

Now, therefore, you are hereby commanded to make levy and collect of the goods and chattels, lands and tenements of the said persons, the said several sums of money set opposite the real and personal property above described, and the poll taxes herein set forth as the taxes therein, for the year aforesaid, and to attach and sell the said lots and lands to make the said several sums of money and costs, and make return of this warrant with your proceeding thereon on or before

Given at Mobile, this _____ day of _____ 18 _____

JONES M. WITHERS,
Mayor.

ARTICLE II. TAX COLLECTOR AND COLLECTION OF TAXES.

Tax collector elected. § 388. *Be it ordained,* That there shall be annually elected in convention a "tax collector,"

Bond. Who shall give bond in the sum of twenty thousand dollars, and receive three per cent. on his collections of city taxes, and no more.

Fees.

Duty to pay over to Fireman's Insurance Co. money each week, make reports and take receipts of real estate tax collected. § 389. It is his duty to pay over to the Fireman's Insurance Company of the city of Mobile, on Monday of each week, the amount collected by him of taxes on real estate, and to report to the boards of aldermen and common council the names of persons from whom collected, and the amounts from each, with the receipt of the secretary of the company for the amount paid by him.

Reports and receipts filed, &c. Such reports and receipts shall be filed and recorded by the city treasurer.

Pay over all other money to treasurer weekly, &c. Shall report, &c. § 390. He shall pay over to the city treasurer on Monday of each week all money collected by him for taxes from all other sources, and make weekly report thereof to the boards of aldermen and common council, with the names of the persons from whom collected, and the amounts from each, and the receipt of the city treasurer.

Reports and receipts filed with clerk. Such report and receipts shall be filed and recorded by the city clerk.

He shall be accountable for whole tax. § 391. He shall be charged with, and accountable for the whole amount of the assessed taxes in each year, and he shall only be released from such liability by showing the entire insolvency of the person assessed, of whom he has failed to collect the taxes,

And by showing that the amount of his account cannot be collected by the exercise of the utmost diligence, and the use of all the means given by law.

Property of unknown owners. § 392. That if any real property shall be assessed to unknown owners, or to persons who are known, and the taxes or dues assessed on them are not paid within sixty days from the time when the said taxes or dues are required to be paid,

He shall give notice (in the official newspaper, or by

printed sheet circulated therewith, and kept for public inspection at the mayor's office, as shall be deemed most expedient and least expensive) of the lots and real estate on which the taxes are unpaid, describing them so that the lot may be pointed out, and that he will, at a certain time and place named, proceed to sell such of the lots and lands upon which the taxes and dues are unpaid, or so much thereof as shall be sufficient to pay the same.

And on the day and at the time appointed, or on such day as he may then adjourn it to, he shall proceed to sell any and as many lots on which the taxes and dues are not paid, or so much thereof as will satisfy the tax, and one dollar as a fee for the advertisement and sale, and a certificate thereof.

§ 393. That he shall give to the purchaser at such sale a certificate to the following effect :

I, James H. Daughdrill, tax collector of the city of Mobile, do hereby certify that the city taxes for the year 18— (or the particular tax or assessment as the case may be) being due and unpaid on a lot of land in the said city, bounded and described as follows : (here insert a description by metes and bounds), I have this day sold the same (or such part as he may sell) to —, who has paid the taxes thereon, amounting to — dollars, including my fee of one dollar for expenses of sale, and by virtue of the authority to me given by law, I authorize the said — and his assigns to hold the said premises until the same shall be redeemed according to law.

Witness my hand and the seal of the city, this — day of —, 18—.

JAMES H. DAUGHDRILL.

Attest, D. CUMMINS,

Clerk.

And the mayor shall cause the seal of the city to be affixed to the certificate.

The tax collector is empowered, and it is his duty to put the purchaser in possession of the premises sold to him within thirty days after the sealing of the certificate, which

shall be evidence of a right to possess the premises therein specified, and to retain them until redeemed, as provided by law.

§ 394. That if any purchaser of a lot under a sale by the tax collector, shall fail or omit to pay any subsequent assessment or tax, he shall forfeit all right under his purchase and certificate to the city of Mobile, and shall be bound to relinquish the possession of it.

And if such lot is subsequently sold for taxes, the person holding under the former sale shall, after notice of the subsequent sale, be deemed and held guilty of unlawful and forcible detainer, and shall be liable to any suit or action at the instance of the person entitled to the possession.

§ 395. That such part of the assessed taxes as cannot be collected by the means provided in this ordinance, shall continue a lien on the property assessed until paid.

And the tax collector shall be authorized from time to time to offer and expose to sale, under the foregoing provisions, such lots as shall not have the tax paid thereon, and like certificate shall be given in cases of any subsequent sale, and similar proceedings shall be had thereon.

§ 396. That he shall inquire and ascertain during every week, and report to the mayor any and all taxable property not included in the assessment made by the city assessor, and which is not in the list furnished to him.

He shall report the property, with a description of it, the owner, if known, or if unknown so report, its cash value as near as he can ascertain, verified by his own affidavit, as is done by the assessor, and for the objects of this section, he shall have the same powers as the assessor.

On receiving such report, the mayor shall notify the presidents of the two boards, who shall meet with the mayor.

And such property shall be assessed and taxed in the same manner as is provided for the assessment and taxation of property returned by the city assessor.

When so assessed, the mayor shall issue his warrant as before provided.

Assessment is a lien.

Collector shall from time to time offer for sale.

Shall report weekly to the mayor, all property not assessed nor listed.

With a description of it.

As to this same powers as assessor.

Mayor shall notify boards

Action to be had.

ARTICLE III. ASSESSMENT AND COLLECTION OF LICENSES.

An Ordinance to provide for assessing and collecting Licenses to carry on business in Mobile.

§ 397. *Be it ordained*, That all persons (mechanics ^{Who subject} carrying on their trade or journeywork excepted) trading ^{to.} or carrying on any business, trade or profession in the city, shall obtain a license for the same in the manner herein-after prescribed, under penalty of not more than fifty dol- ^{Penalty.} lars, nor less than the amount of tax for the license, to be repeated every day until the license is taken.

That such licenses are divided into three grades : Three grades

The first grade is assessed at	-	-	-	-	twenty dollars,	First.
“ second	“	“	-	-	ten dollars,	Second.
“ third	“	“	-	-	five dollars,	Third.

and all persons obtaining a license shall pay the amount, according to the grade in which he shall be assessed. Partners.

The several members of a partnership conducting business under one firm name, and without any branch business, and not having two distinct places of business, shall be treated as but one person in obtaining a license, if the license is obtained in the name of such firm.

And no license to one person or firm shall be used as a ^{Only to the} license to any other person or firm. ^{person for} ^{whom is-} ^{sued.}

Nor for any other business than that for which it is ^{Nor for any} ^{other busi-} ^{ness.} issued.

But the person or firm may change the place of business, ^{But the} or may take a partner, or may change the partnership if ^{place of may} ^{be changed,} the business is the same. ^{and partner} ^{may be} ^{changed.}

And no license shall be required of any mechanic carry- ^{Not required} ^{of mechan-} ^{ic, &c.} ing on his trade or journeywork, nor of any person follow- ing any manual labor, pursuits, or the business of a clerk, bookkeeper, minister of the gospel, teacher of a school for the education of youth, or holding any salaried office, nor for any business (not professional) wherein the person em- ^{Nor manual} ^{labor, nor} ^{clerk, minis-} ^{ter, teacher} ^{of schools,} ^{salaried offi-} ^{cers, &c.} ploys no capital, but conducts it solely by his own skill and attention, without the aid of employees.

Assessor shall assess every person liable. § 398. The city assessor shall, at the beginning of the municipal year, and from time to time, diligently assess every person trading or carrying on any trade, business or profession in the city, he shall class such persons into three grades, and shall determine the grade in which each shall be assessed as to him shall seem fair and just ; to ascertain the grade he is authorized to act upon such information as he can get, or on his own knowledge, or he may require any person to answer upon oath any question that he may deem material ; if such person refuse so to answer he shall be classed in the first grade.

Three grades

May require answer on oath.

Any person refusing to answer shall be classed in first grade.

Name to be taken.

Name of firm, &c.

Payment may be made at once and license issued.

Assessor shall pay over each day.

Shall report weekly.

Shall account to mayor.

Shall be taken out within ten days.

Clerk shall docket objections.

The assessor shall take down in writing the name of each person and firm,

The name under which each business, trade, pursuit, or profession is carried on or followed.

When the assessor shall assess any one under this ordinance, and such person is content with the assessment, payment may be made to him, and he shall fill up a blank license and give it to the payer, and receive and receipt for the money.

He shall pay, each day, to the city treasurer, all sums so received by him, reporting in writing the name of the person from whom the money was obtained, and taking his receipt therefor.

He shall at least once in each week, and as much oftener as may be required by the aldermen or common council, report in writing his whole action in assessing and collecting licenses,

And shall account to the mayor for every license given to him by the mayor, and shall furnish the treasurer's receipts for the money, save for so much as he has on hand and exhibits.

§ 399. That every person who shall fail to pay license to the assessor, is required to obtain one from the city clerk within ten days after his assessment, or file, in writing, his objection thereto with the clerk of the city,

And the clerk shall place the case on a docket and note the fact that objections are filed.

The clerk shall from day to day pay into the city

treasury all such sums as shall be received by him for licenses, stating, in writing, from whom collected and the amount from each, taking the treasurer's receipt therefor.

Shall pay over to the treasurer.

§ 400. That every person failing to take out license within ten days after he is returned by the assessor, shall be fined twenty dollars, and five dollars for each day that he shall continue to neglect to take out his license.

Penalty for failing to take license.

But no person shall be held to be a delinquent while his exceptions are pending, nor within ten days after a decision thereon.

Proviso.

And every person failing to obtain a license within ten days after his assessment, and failing to file exceptions, or failing, within ten days after a decision on his exception, shall not be protected from the effect of his previous delinquency by obtaining a license, but the license shall only take effect from the time it is taken out, and shall expire, as license shall expire, on the first of January then next ensuing,

And no abatement shall be made of the price assessed.

§ 401. That for the convenience of those who are subject to license, the mayor is authorized to procure a book of blank licenses, and he may from time to time issue as many blank licenses as he may see fit,

Mayor may issue blank license to assessor.

Which shall have the grade one, two, three, written on the face of them, which, being countersigned by the city clerk, the mayor may place in the hands of the city assessor, in all cases taking his receipt therefor, specifying the number of each grade received.

Conditions.

That the city clerk shall open a license account with the assessor, which he shall keep fully and correctly posted.

Clerk shall open account with assessor.

He shall, at least once in each week, procure from the mayor the receipt of the assessor, for licenses given to the assessor, and shall charge him with the same, specifying the number of each grade,

Shall procure from mayor assessor's receipts

And shall each week, and as much oftener as he may be required, obtain from the treasurer a list of all payments made by the assessor to him for licenses,

And procure from treasurer lists of payments.

And shall credit the assessor therewith.

§ 402. That the assessor shall, at the expiration of every

Assessor shall surrender all blanks not used.

two weeks, and as much oftener as may be required by the city authorities, surrender to the mayor all blanks not used, which the mayor shall cancel and turn over to the city clerk, who shall credit the assessor therewith,

Clerk shall credit.

Shall make report.

And the city clerk shall, within one day after such time, report in writing to the city authorities the state of the assessor's account.

Clerk make alphabetical lists of all persons assessed for licenses.

§ 403. That the city clerk shall make an alphabetical list of all persons assessed for licenses, the grade to which they are assessed,

Showing who has taken out a license and who has failed to do so, and who has filed exceptions which are not disposed of.

Assessor shall make weekly reports.

To aid him in which the assessor shall make weekly reports,

Clerk shall place on mayor's docket the names of those who fail to take licenses.

And the clerk of the city shall place on the mayor's docket, at the beginning of each week, the name of every person who has not paid a license, that his case may be tried.

Mayor shall each week take up this docket.

The mayor shall, at least once in each week, take up the docket for delinquents, and shall cause the clerk to issue a summons, signed by the mayor, notifying such person to be and appear before the mayor, at a day therein named, and show cause why judgment should not be rendered as provided by this ordinance.

§ 404. The summons may be as follows :

Form summons.

STATE OF ALABAMA, }
CITY OF MOBILE. }

To the Marshal or to any Police Constable of said City:

Whereas, It hath been duly made known to me that
was delinquent on the day of

185 in the payment of dollars duly assessed to
and due from to the "mayor, aldermen
and common council of the city of Mobile," for the proper
license which ha failed to obtain. You are therefore
commanded to summon the said to
be and appear before me, at the office of the mayor of said
city on the day of 185 to show cause

Mayor shall
take a re-
ceipt.

licenses given to him, as in the case of the assessor, and the clerk's receipt shall be filed and kept by the treasurer, until the clerk shall have fully accounted.

Mayor shall
issue his
warrant
when ne-
cessary.

§ 407. That it is the duty of the mayor from time to time to issue his warrant to the tax collector, under the seal of the city, authorizing and requiring him to collect such licenses as shall be assessed, and which shall have been returned for ten days, and to which no exceptions have been filed, or having been filed have been decided upon ten days or more.

Form of war-
rant.

§ 408. STATE OF ALABAMA, } *Mayor's Office.*
CITY OF MOBILE.

To the Tax Collector of said City:

You are hereby authorized and required to collect of
the sum of _____ dollars,
duly assessed and adjudged by the proper authorities of the
city of Mobile, on the _____ day of _____ 18____
against _____ for carrying on the business
of _____ in said city, and you are au-
thorized and directed, in order to collect said sum, to levy
upon and sell so much of the property of said _____
as shall be sufficient to pay said sum of _____
dollars, and the expense of advertising, the cost
and expense of keeping the property levied on, and the sum
of two dollars, fees, and that you have said sums of money,
together with this writ, before me, at the office of the mayor
of said city, with all diligence, and according to law.

In testimony whereof, I have hereunto set my hand, and
affixed the seal of said city this _____ day of _____ 18____

Attest :

Mayor.

City Clerk.

Tax collect-
or shall levy
and sell on
such war-
rant.

§ 409. Upon the receipt of such warrant, the tax collector shall levy upon and sell so much of the property of the person assessed as shall pay the license, the expense of advertising, costs and expenses of keeping the property levied on, and the sum of two dollars, fees, to the collector, for executing the process.

The process shall have the effect of a writ of *feri facias*, and the proceedings thereon shall be as is provided for executions under the laws of the State of Alabama.

Shall have the effect of an execution

§ 410. That the court provided for in Section 381 of this Code, shall meet on the first Wednesday of each month, and may adjourn from day to day, or to any day, to hear the exceptions filed to the license assessment, and judgment entered thereon.

That the court provided for in § 381 shall act on licenses.

How.

At least two days before any day set for the hearing of any exceptions, the city clerk shall give notice of it by one advertisement in the official newspaper.

§ 411. The notice may be as follows :

Form of notice.

} OFFICE OF THE CITY CLERK,
} MOBILE, 185

Public notice is hereby given that the assessments of licenses for the carrying on of trades, business, in the city of Mobile for the year 1858, have been completed, and are on file in my office, and are open for inspection.

All persons feeling aggrieved by the assessment, are hereby requested to make and file their exceptions thereto in my office, on or before the _____ day of _____ at which time the same will be heard.

D. L. CUMMINS,
City Clerk.

§ 412. Should the assessment so adjudged not be paid within ten days after the decision, the mayor shall issue his warrant to the tax collector, and he shall collect as in other cases.

If assessment not paid, warrant shall issue.

§ 413. That on the first Monday in each month, the tax collector shall report to the city clerk, in writing, his action on all processes issued to him for collection of licenses.

Tax collector shall report monthly on all processes.

The clerk shall, within two days after such report is received, report to the mayor the state of the collector's account, showing what licenses he has had to collect of each grade, against whom, what he has done with them, how much money he has paid to the city treasurer, and from whom collected.

Clerk shall report to mayor.

The collector shall each day pay to the city treasurer the

Collector shall pay to treasurer. amount of the licenses as he may collect, taking his receipt, which shall specify the name of the person from whom collected for licenses,

Clerk shall credit. Whereupon the clerk shall credit the collector's account with such amount.

Exceptions. § 414. That this ordinance does not apply to retailers of liquors, hackney-coaches, wagons, carts, drays and cabs, theatricals, circus, or other exhibitions for public amusement, to keepers of taverns, to keepers of nine or ten-pin alleys, nor to any other person upon whom the city may impose a license tax without the restrictions in the Act of the legislature of Alabama, approved February 9th, 1850.

CHAPTER XL.

TREASURER.

An Ordinance to provide for a City Treasurer.

Elected. § 415. *Be it ordained*, That there shall be annually elected in convention a city treasurer, who shall give bond in the sum of fifteen thousand dollars, and receive a salary of sixteen hundred dollars, to be paid monthly.

Bond. § 416. He shall keep his office at the municipal buildings, where he shall attend from 9 o'clock, A. M., till 3 o'clock, P. M., each day. It is his duty,

Salary. To keep a regular set of books, in which fair entries shall be made of all things pertaining to, or done in his office.

Duties. Keep office. Hours. To keep a regular account of all the indebtedness of the city, and also what is due to it.

Set of books. To attend at all the meetings of the board of common council, and make full and proper entries and records of all orders, resolutions, ordinances, opinions and proceedings of the board.

Accounts. To receive all money paid to the city from every source of revenue, and to pay it out, only by order of the two boards, approved by the mayor.

Attend meetings of common council and keep their records.

Receive all money.

To make weekly reports in writing to the two boards, of all money received by him, from whom and from what source of revenue, and of the amounts paid out by him on account of the city—to whom and to what department.

Weekly reports.

These reports shall contain statements of facts, and his opinion thereon, if he think fit.

Contents of.

To carefully file and preserve in his office all books and papers which may be delivered to him by virtue of his office.

Keep all books and papers.

To deliver over to his successor in office, or to the board of common council, all books, papers, moneys, accounts and property belonging to his office.

Deliver to his successor everything.

To perform all other duties required by the city ordinances or by-laws.

Perform other duties.

To perform all other duties generally, under the direction of the mayor, which treasurers of cities are required or accustomed to perform.

General duties.

CHAPTER XLI.

VAGRANTS AND DISORDERLY PERSONS.

An Ordinance to prevent Vagrancy and Disorderly Conduct.

§ 417. *Be it ordained*, That all vagrants, idle or disorderly persons of evil life or ill fame—all persons that have no visible means of support, or are likely to become chargeable to the city as paupers, all persons who may be found begging, all persons drunk in or about the streets, all persons loitering in or about bar-rooms or tippling-houses, all persons who have no reasonable course of business in the city,

All persons vagrants, idle and disorderly, &c.

Or beggars, or drunk, or loiterers, or no business.

All who have no fixed place of residence, all who are grossly indecent in language or behavior publicly in the streets, all public prostitutes or such as lead a notorious, lewd or lascivious course of life, all persons occupying houses in the city, who shall keep the same in a riotous or disorderly manner, or permit such conduct on his premises, shall be fined fifty dollars.

Or no place of residence, or publicly indecent, or prostitutes, or keepers of riotous houses shall be fined.

CHAPTER XLII.

WATER-WORKS.

An Ordinance respecting City Water-Works.

(This Ordinance is retained in the language as adopted prior to 1843.)

No person shall injure any of the works.

§ 418. *Be it ordained*, That if any persons shall wilfully cut, deface, remove, uncover or otherwise injure or disturb any of the logs, or wooden or iron pipes used for the conveyance of the water from Spring Hill into the city of Mobile, or any of the leaden pipes or other pipes which may lead from the wooden or iron pipes aforesaid, or any of the hydrants, stop-cocks, fire-plugs, or other fixtures attached to the wooden, iron or leaden pipes aforesaid, he, she or they so offending, for every such offense shall forfeit and pay the sum of twenty dollars, to be recovered with costs, before the mayor or any one of the aldermen of the city of Mobile.

Penalty.

Penalty for injuring reservoirs.

§ 419. That if any person or persons shall wilfully destroy, or in any manner injure or deface any of the reservoirs constructed in the city of Mobile for the reception of the water conveyed into the said city of Mobile from Spring Hill, he, she or they so offending, shall forfeit and pay for every such offense the sum of twenty dollars.

No person to use water unless permitted so to do.

§ 420. That if any person or persons shall use the water conveyed into the city as aforesaid, without having first obtained permission from the said mayor, aldermen and common council, or person holding under them, so to do, he, she or they so offending, shall forfeit and pay double the sum of money he, she or they would have been required to pay to the said mayor or aldermen and common council or other person holding under them, for the privilege of using the said water, to be recovered with costs as aforesaid.

No person authorized to use, shall sell it or give it away, &c.

§ 421. That if any person or persons authorized by the said mayor, aldermen and common council, to use the said water, shall sell any of the said water, or give away the same, or use it for any other than household purposes

without the special license of the said mayor, aldermen and common council (or the person or persons holding under them) he, she or they so offending, shall forfeit and pay for every such offense the sum of five dollars, to be recovered, with costs as aforesaid. Penalty.

§ 422. That if any person or persons shall wilfully waste any of the said water, or wilfully permit the same to run to waste, he, she or they so offending, for every such offense shall forfeit and pay the sum of twenty dollars, to be recovered with costs as aforesaid. Shall not permit waste. Penalty.

§ 423. That if any person or persons shall carelessly or negligently leave the said water running or shall otherwise negligently waste the same, or negligently permit the same to run to waste, he, she or they so offending (or if a child his or her parents or guardian, or if a slave his or her master or employer) shall pay for every such act of carelessness or negligence the sum of two dollars, to be recovered with costs as aforesaid. Nor permit the water to run to waste.

§ 424. That if any plumber, or any person or persons shall conduct the said water from the said wooden or other pipes, or shall superintend the conducting of the same from the said wooden or other pipes, unless authorized so to do by the said mayor, aldermen and common council of the city of Mobile (or the person or persons holding under them) such plumber or other person or persons shall forfeit and pay for every such offense the sum of twenty dollars, to be recovered with costs as aforesaid. If any plumber or workman shall conduct the water without permission, he shall forfeit \$20.

§ 425. That if any person or persons shall commit any of the offenses enumerated in this ordinance, and shall be unable to pay the price assessed against him or them for such offense, he, she or they shall be committed to the city prison until discharged by the due course of law. Any person violating this ordinance, if unable to pay fine, to be imprisoned.

§ 426. That if any slave shall commit any of the offenses enumerated in the first five sections of this ordinance, such slave for each offense, upon conviction thereof before the mayor or any one of the aldermen of the city of Mobile, shall receive not more than twenty lashes upon his or her bare back, unless the owner or employer of such slave shall pay such fine as may be imposed, agreeable to the provisions of this ordinance. Slave, how punished.

CHAPTER XLIII.

WHARVES.

An Ordinance respecting Wharves and the Wharf and Water Fronts.

Limits of
wharf front.

§ 427. *Be it ordained*, That no wharf nor any other structure shall be built or constructed or extended, nor if built, constructed or extended, shall remain on the west side of Mobile river, if it projects east beyond a line commencing at the northern line of the city at a point from which a line running south six degrees east shall strike a point in the northern line of Hunt street, extended a distance of three hundred and thirty-eight feet eastwardly from the west line of Front street, thence by a straight line to a point in the north line of St. Anthony street, extended two hundred and fifty-two feet eastwardly from the west line of Front street, thence by a straight line to a point in the north line of Conti street extended one hundred and sixty-five feet eastwardly from the west line of Front street, thence by a straight line to a point in the north line of Church street, extended two hundred and fifty feet eastwardly from the west line of Commerce street, thence by a straight line to a point in the north line of Theater street, extended one hundred and ninety-five feet eastwardly from the west line of Commerce street, thence by a straight line to a point in the north line of Main street, extended two hundred and ninety-five feet eastwardly from the west line of Water street, thence by a straight line to a point in the north line of New York street, extended five hundred and fifty feet eastwardly from the west line of Water street, and thence by a line running south twenty degrees and twenty minutes east to the bay, under penalty of fifty dollars.

Penalty.

How con-
structed.

§ 428. That no wharf shall be constructed in the city, unless it is on piers or posts of hewn timber, and from an abutment extending east at least two hundred and fifty

feet from the east side of Water street, which abutment shall be filled up with clean earth, brick or stone, the sides and ends be of hewn timber, stone or brick, under penalty of fifty dollars.

§ 429. That no building shall be erected between Royal and Water streets, unless the foundation be constructed of brick or stone, and filled up to the sills of the building with clean earth or sand, well beaten down.

Nor east of Water street, unless the foundation be made of hewn timber on the sides, and filled up with earth, sand, brick or stone, well battered and broken down, under penalty of fifty dollars.

§ 430. That no person shall cast or throw any animal or vegetable filth or putrescent matter or thing whatever from any of the wharves, or into the river or docks within the city, under penalty of fifteen dollars.

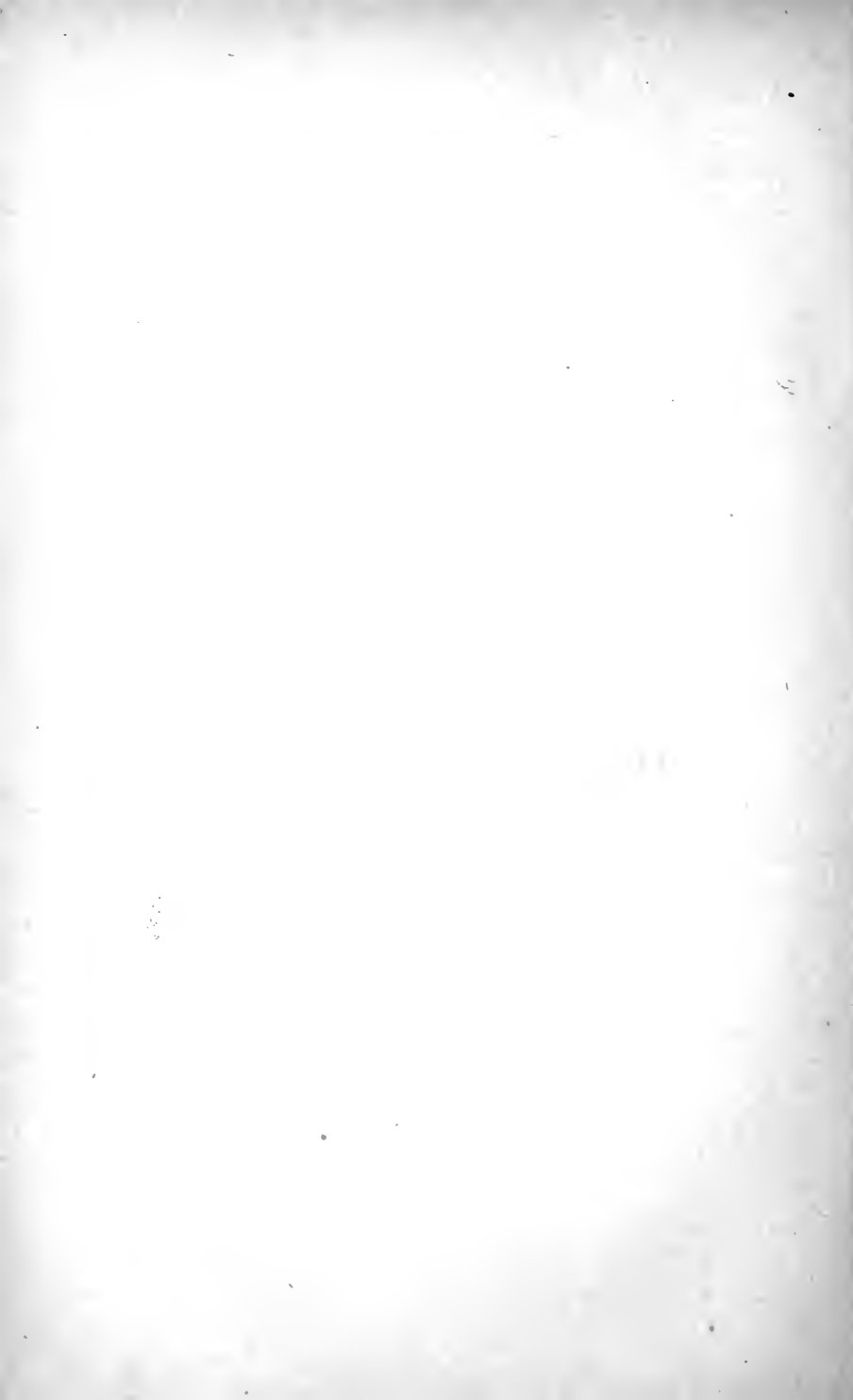
Penalty.
No building erected between Royal and Water streets, unless on stone or brick foundation, &c.

Nor east of Water street, unless on hewn timber &c.

Penalty.

No filth to be thrown into the docks.

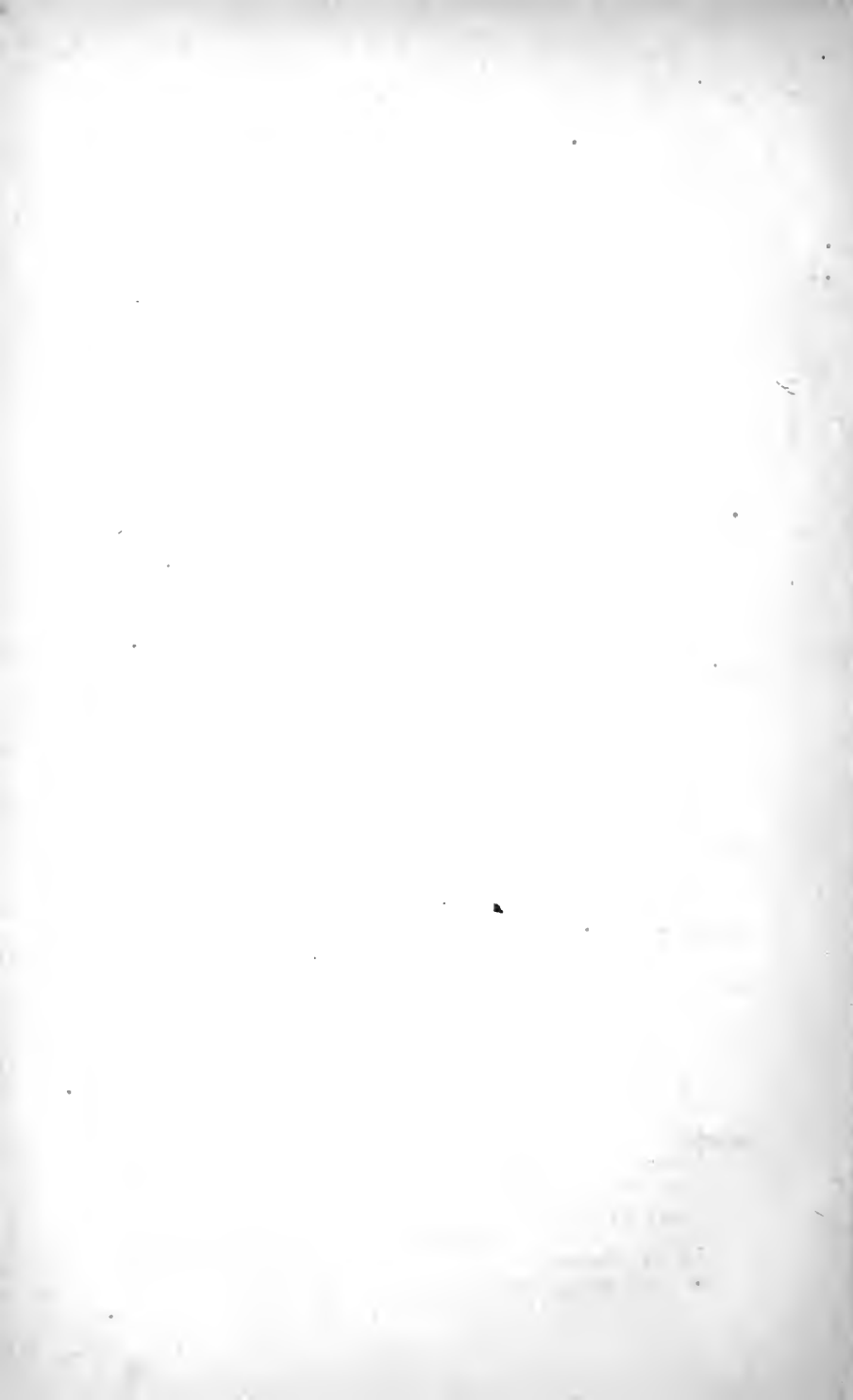
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TO

ORDINANCES.



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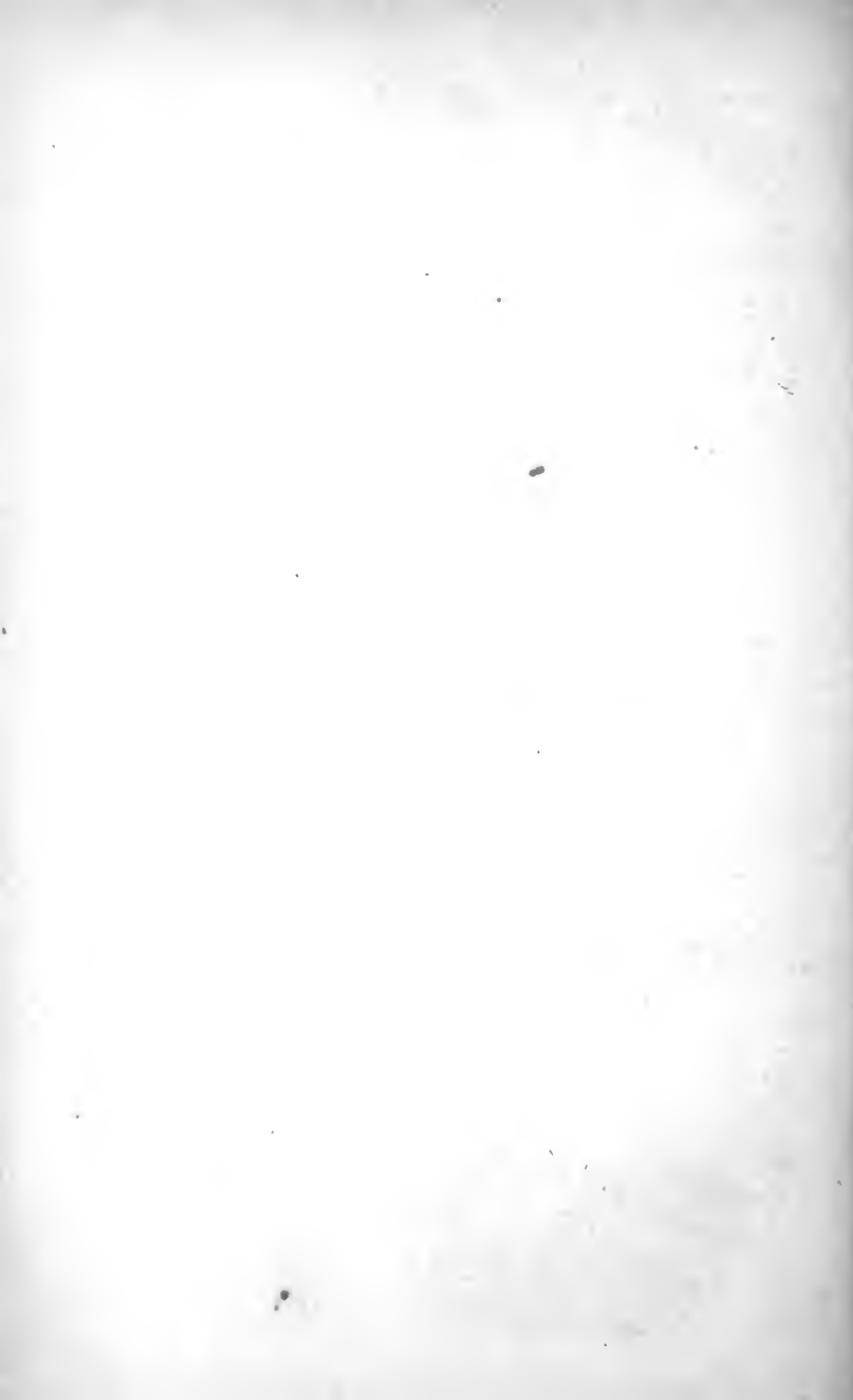
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A P P E N D I X .

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STATEMENT OF DATES

OF THE

FRENCH, BRITISH, SPANISH, AND AMERICAN
OCCUPATION OF MOBILE.

-
- January 31st, 1699—Lemione D'Iberville, with a colony of French, settled Dauphin Island.
- Late in 1701 or early 1702—A settlement was made at the mouth of Dog river, called Ft. St. Louis De La Mobile.
- March 11th, 1711—Mobile was settled by the French at its present site, by Bienville, and a fort built called Fort Louis, until 1721, when it was named Fort Conde.
- Feb. 10th, 1763—France ceded it to Great Britain.
- Oct. 20th, 1763—Great Britain took possession.
- March 14th, 1780—Spanish (Gov. Galvez) took possession.
- Sept. 3d, 1783—Great Britain ceded it to Spain.
- Oct. 1st, 1800—Spain ceded it to France.
- April 30th, 1803—France ceded it to the United States.
- Oct. 27th, 1810—The president issued his proclamation to the governor of the Orleans territory to take possession of the country to the Perdido.
- May 14th, 1812—Mobile was included in the Mississippi territory.
- February 12th, 1813—The president was authorized to occupy and hold all that tract of country called West Florida, which lies west of the Perdido, not in possession of the United States.

April 15th, 1813—Mobile was taken possession of by
General Wilkinson for the United
States.

March 3d, 1817—The country west of the Perdido to the
State of Mississippi, was included
in the territory of Alabama.

December 19th, 1819—Alabama was admitted as a State
into the Union.

January 20th, 1814—Mobile incorporated as a town.

December 17th, 1819— “ “ “ city.

GOVERNORS OF THAT PART OF ALABAMA SOUTH OF THE
THIRTY-FIRST DEGREE OF NORTH LATITUDE.

FRENCH.

Lemoine D'Iberville, 1699.

Sanvolle, his brother, 1699 to July 22d, 1701.

Bienville “ July 22d, 1701 to May 17th,
1713.

Antonio de la Motte Cadillac, May 17th, 1713 to
March 9th, 1716.

De L'Espinay, March 9th, 1716 to October 27th,
1717.

Bienville, October 27th, 1717 to February 16th,
1724.

Boisbriant, February 16th, 1724, to August 9th,
1726.

Perrier, August 9th, 1726, to March 17th, 1733.

Bienville, March, 1733, to May 10th, 1743.

Marquis de Vandriuel, May 10th, 1743, to February
9th, 1753.

Louis De Kerlerec, February 9th, 1753, to June
29th, 1763.

D'Abbadie, June 29th, 1763, to October 20th, 1763.

ENGLISH AT PENSACOLA.

Capt. Geo. Johnson, February, 1764.

Hon. Montfort Brown.

Governor Elliot.

Hon. Montfort Brown.

Hon. Peter Chester, 1772 to 1777, March 14th,
1780.

SPANISH.

Col. Don Bernardo De Galvez, March 14th, 1780, to
July 31st, 1786.

Col. Estevano Miro, July 31st, 1786, to March
17th, 1791.

Col. Baron De Carondelet, March 17th, 1791, to
October 28th, 1796.

Brigadier Don Manuel Gayoso De Lemos, October
28th, 1796, to June 17th, 1799.

Marquis De Casa Calro, Fall, 1799.

Col. Manuel Don Juan De Salcedo, June 15th,
1801 to 1803.

Until 1720, Mobile was the seat of government
for Louisiana, it was then removed to Biloxi,
and, in 1723, to New Orleans.

The commandants of Mobile are here given as well
as they can be ascertained. It is possible there
are some omitted. The French are found in
Martin, Monnette, Gayarre and Pickett. The
Spanish are from the record of Mobile county,
and the land laws.

COMMANDANTS AT MOBILE, 1722 TO 1813.

FRENCH.

Marigny de Mandeville, June 4th, 1722.

Drunot de Valdeterre, 1726.

Beauchamp, 1731.

Deron De Artaquette, April 23d, 1733, and March
18th, 1738.

FRENCH. (*Continued.*)

Beauchamp, 1741.

Pierre Annabel De Ville, 1757.

De Grand Pri, 1762.

Pierre Annabel De Ville, to Oct. 20th, 1763.

ENGLISH.

Major Robert Tanner, Oct., 1763, and was under the jurisdiction of the commanding officer at Pensacola until its capture by Galvez, March 4th, 1780.

SPANISH.

Henry Grimarest, June 28th, 1781, to April 28th, 1784.

Pedro Fanrot, August 8th, 1785, to June 20th, 1787.

Vincente Folch, June 22d, 1787, to March 30th, 1792.

Manuel De Lanzos, July 16th, 1792, to April 29th, 1795.

Pedro Olivier, May 28th, 1795, to February 27th, 1798.

Manuel De Lanzos, April 1st, 1798, to Nov. 18th, 1800.

Joaquim D'Orsono, December 3d, 1800, to July 1st, 1805.

Francisco Max De St. Maxent, July 16th, 1805, to August 30th, 1807.

Antonio De Salazar, October 31st, 1807, to February 7th, 1809.

Cayetano Peres, February 9th, 1809, to March 21st, 1811.

Francisco Max De St. Maxent, March 22d, 1805, to March 23d, 1811.

Cayetano Peres, March 24th, 1811, to June 14th, 1811.

Francis Collell, June 14th, 1811, to August 2d, 1811.

Cayetano Peres, August 7th, 1811.

Francisco Mendiota, September 7th, 1811, to September 13th, 1811.

Francisco Peres Muro, September 17th, 1811, to September 17th, 1811.

SPANISH. (*Continued.*)

- Cayetano Peres, September 24th, 1811, to November 3d 1811.
 Manuel Ordenez, December 4th, 1811, to January 20th, 1812.
 Cayetano Peres, March 31st, 1812, to April 13th, 1813.

COMMANDANTS AD INTERIM.

- Joseph De Ville Degontin, November 1st, 1792.
 " " " " October 6th, 1798.
 Ignacio De Acosta, Nov. 8th, 1791.
 " " " January 25th, 1792.
 Cayetano Peres May 16th, 1800 to 29th May, 1800.
 " " August 3d, 1802.
 " " December 20th, 1802, to December 23rd, 1802.
 Cayetano Peres, April 14th, 1803, to April 15th, 1803.
 Hemetrio De Hevia, July 2d, 1803.
 Cayetano Peres, December 1st, 1803, to December 27th, 1803.
 Cayetano Peres, June 15th, 1804.
 Hemetrio De Hevia, December 22d, 1804, to January 22d, 1805.
 Francis Collell, August 22d, 1806, to September 17th, 1806.
 Antonio Estanoz, March 10th, 1810.
 Francisco Peres Muro, November 5th, 1811.

PRESIDENTS AND MAYORS.

YEAR.	NAMES.			
1814.	-	-	Lewis Judson,	President.
1815.	-	-	" "	"
1816.	-	-	" "	"
1817.	-	-	James Inneranty,	"

YEAR.			NAMES.		
1818.	-	-	Samuel H. Garrow,	-	President.
1819.	-	-	“ “	-	“
1820.	-	-	Addin Lewis,	-	Mayor.
1821.	-	-	“ “	-	“
1822.	-	-	“ “	-	“
1823.	-	-	John Elliott,	-	“
1824.	-	-	Samuel H. Garrow,	-	“
1825.	-	-	“ “ “	-	“
1826.	-	-	“ “ “	-	“
1827.	-	-	John F. Everett,	-	“
1828.	-	-	“ “ “	-	“
1829.	-	-	“ “ “	-	“
1830.	-	-	“ “ “	-	“
1831.	-	-	John Stocking,	-	“
1832.	-	-	“ “	-	“
1833.	-	-	“ “	-	“
1834.	-	-	Stocking died, Everett elected,	-	“
1835.	-	-	John F. Everett,	-	“
1836.	-	-	“ “ “	-	“
1837.	-	-	G. W. Owen died, Walton	“	“
1838.	-	-	Geo. Walton,	-	“
1839.	-	-	Henry Chamberlain,	-	“
1840.	-	-	Edward Hall,	-	“
1841.	-	-	“ “	-	“
1842.	-	-	Charles A. Hoppin,	-	“
1843.	-	-	“ “ “	-	“
1844.	-	-	“ “ “	-	“
1845.	-	-	“ “ “	-	“
1846.	-	-	Blanton McAlpin,	-	“
1847.	-	-	“ “	-	“
1848.	-	-	James W. L. Childers, re- signed, Langdon elected,	-	“
1849.	-	-	C. C. Langdon,	-	“
1850.	-	-	“ “	-	“
1851.	-	-	“ “	-	“
1852.	-	-	Joseph Sewall,	-	“
1853.	-	-	C. C. Langdon,	-	“
1854.	-	-	“ “	-	“
1855.	-	-	“ “	-	“

YEAR.	NAMES.				
1856.	-	-	Jones M. Withers,	-	Mayor.
1857.	-	-	“ “ “	-	“
1858.	-	-	“ “ “	-	“

COLLECTORS OF U. S. CUSTOMS FOR THE PORT OF MOBILE.

In 1806 the customs were collected at Fort Stoddart, until 1813, since then at Mobile.

In 1806, Edmund P. Gaines, (late Gen'l) was appointed					
and served until	-	-	-	-	1812
“ 1812, Addin Lewis,	-	-	-	-	1829
“ 1829, George W. Owen,	-	-	-	-	1836
“ 1836, John B. Hogan,	-	-	-	-	1841
“ 1841, James Perrine,	-	-	-	-	1842
“ 1843, Collier H. Minge,	-	-	-	-	1845
“ 1845, James E. Saunders,	-	-	-	-	1849
“ 1849, John J. Walker,	-	-	-	-	1853
“ 1853, Thaddeus Sanford,	-	-	-	-	1858

And has been recently re-appointed.

This table, to 1850, was prepared by J. M. Cleveland, Esq., of Athens, Ala., to be published in the “Alabama Register.”

MEMBERS OF THE GENERAL ASSEMBLY

Elected for Mobile county since the adoption of our Constitution in 1819

STATE SENATORS.

1819.	-	-	-	James L. Seabury.
1820.	-	-	-	“ “ “
1821.	-	-	-	John Elliott.
1822.	-	-	-	Francis W. Armstrong.
1823.	-	-	-	“ “ “
1824.	-	-	-	James Taggart.
1825.	-	-	-	William Crawford.
1826.	-	-	-	Willoughby Barton.
1827.	-	-	-	“ “
1828.	-	-	-	Jack F. Ross.

1829.	-	-	-	John B. Hogan.
1830.	-	-	-	" " "
1831.	-	-	-	" " "
1832.	-	-	-	" " "
1833.	-	-	-	" " "
1834.	-	-	-	" " "
1835.	-	-	-	James F. Roberts.
1836.	-	-	-	" " "
1837.	-	-	-	" " "
1838.	-	-	-	Theopilus L. Toulmin.
1839.	-	-	-	" " "
1840.	-	-	-	" " "
1841.	-	-	-	" " "
1842.	-	-	-	" " "
1843.	-	-	-	" " "
1844.	-	-	-	Edmund S. Dargan.
1845.	-	-	-	Joseph Seawell.
1847.	-	-	-	George N. Stewart.
1849.	-	-	-	" " "
1851.	-	-	-	Theopilus L. Toulmin,
1853.	-	-	-	Tristram B. Bethea.
1855.	-	-	-	" " "
1857.	-	-	-	James S. Deas.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

1819.	James W. Peters.
1820.	Francis W. Armstrong.
1821.	" " "
1822.	Thomas L. Hallett.
1823.	" " "
1824.	Willoughby Barton.
1825.	Willoughby Barton, Thomas L. Hallett.
1826.	Jack F. Ross, Elijah Montgomery.
1827.	" " " William D. Stone,
1828.	John W. Townsend, Thomas H. Lane.
1829.	Joseph Bates, Thomas Byrnes.
1830.	John F. Everett, Alexis Durand.
1831.	Theopilus L. Toulmin, Isaac H. Erwin.

-
1832. Henry Chamberlain, B. B. Breedin.
 1833. " " Wm. R. Hallett.
 1834. John F. Everett, Samuel A. Roberts.
 1835. Jack F. Ross, George J. S. Walker.
 1836. John F. Everitt, Joseph Bates, Jr.
 1837. T. L. Toulmin, Joseph Bates, Jr.
 1838. Abner S. Lipscomb, Blanton McAlpin.
 1839. William F. Cleveland, Charles C. Langdon, Percy Walker, Isaac H. Erwin.
 1840. Charles C. Langdon, Thos. McPrince, A. C. Hollinger, J. Bates.
 1841. John B. Hogan, Robert C. McAlpin, Isaac H. Erwin, Blanton McAlpin.
 1842. John A. Campbell, Isaac H. Erwin, Thomas W. McCoy, Wm. D. Dunn.
 1843. James W. Lang, Robert C. McAlpin, J. B. Todd, Wm. D. Dunn.
 1844. Joseph Seawell, Wm. D. Dunn, Daniel Chandler, Philip Phillips.
 1845. Joseph C. Smith, Wm. P. Brown, Jeremiah Austill.
 1847. Percy Walker, Peter Hamilton, Elihu Lockwood.
 1849. C. W. Gazzam, Wm. G. Jones, E. Lockwood.
 1851. P. Phillips, Price Williams, C. P. Robinson.
 1853. Percy Walker, A. Billeek, R. B. Owen, J. Bell.
 1855. Jones M. Withers, Wm. B. H. Howard, James Battle, Washington M. Smith. (Battle and Withers resigned, and John T. Taylor, and C. C. Langdon were elected.)
 1857. J. B. Todd, Thomas H. Herndon, Wm. G. Jones, L. F. Drummond. (Todd resigned and Henry Chamberlain was elected.)

JUDGES OF THE COUNTY OF MOBILE,

From the organization of the County Court in 1821.

COUNTY COURT.

- | | | | | | |
|-------|---|---|---|---|--|
| 1821. | - | - | - | - | } Hugh H. Rolston.
} Thomas Murray. |
| 1822. | - | - | - | - | |

1823.	-	-	-	-	{	John C. Mitchell.
					}	William Hale.
1824.	-	-	-	-		" "
1825.	-	-	-	-		" "
1826.	-	-	-	-		" "
1827.	-	-	-	-		" "
1828.	-	-	-	-		" "
1829.	-	-	-	-		" "
1830.	-	-	-	-		" "
1831.	-	-	-	-		" "
1832.	-	-	-	-		" "
1833.	-	-	-	-		" "
1834.	-	-	-	-		William M. Garrow.
1835.	-	-	-	-		" " "
1836.	-	-	-	-		" " "
1837.	-	-	-	-	{	William M. Garrow.
					}	John F. Everett.
1838.	-	-	-	-		" " "
1839.	-	-	-	-		" " "
1840.	-	-	-	-		" " "
1841.	-	-	-	-		" " "
1842.	-	-	-	-		" " "
1843.	-	-	-	-		John A. Cuthbert.
1844.	-	-	-	-		" " "
1845.	-	-	-	-		" " "
1846.	-	-	-	-		" " "
1847.	-	-	-	-		" " "
1848.	-	-	-	-		Joseph Seawell.
1849.	-	-	-	-		" "
1850.	-	-	-	-		" "

CRIMINAL COURT FOR MOBILE COUNTY.

1846.	-	-	-	-	{	Philip Phillips.
					}	George W. Crabb.
						Henry Chamberlain.
1847.	-	-	-	-		" "

1848.	-	-	-	-	{ Henry Chamberlain.
					{ John E. Jones.
1849.	-	-	-	-	“ “ “
1850.	-	-	-	-	“ “ “

In 1850 the Probate court was established, the county court abolished, the criminal court was vested with civil jurisdiction, and the name changed to “city court of Mobile.”

1850.	-	-	-	-	Alexander McKinstry.
1851.	-	-	-	-	“ “
1852.	-	-	-	-	“ “
1853.	-	-	-	-	“ “
1854.	-	-	-	-	“ “
1855.	-	-	-	-	“ “
1856.	-	-	-	-	“ “
1857.	-	-	-	-	“ “
1858.	-	-	-	-	“ “

PROBATE COURT OF MOBILE.

1850.	-	-	-	-	Edwin Rust.
1851.	-	-	-	-	“ “
1852.	-	-	-	-	“ “
1853.	-	-	-	-	“ “
1854.	-	-	-	-	{ “ “
					{ Alexander B. Meek.
1855.	-	-	-	-	{ “ “ “
					{ John A. Hitchcock.
1856.	-	-	-	-	“ “ “
1857.	-	-	-	-	“ “ “
1858.	-	-	-	-	“ “ “

UNITED STATES LAWS

TO SETTLE LAND CLAIMS IN MOBILE.

AN ACT for ascertaining the Titles and Claims to Lands in that part of Louisiana which lies east of the river Mississippi, and Island of New Orleans. 25th April, 1812.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,

That for the purpose of ascertaining the titles and claims to lands in that tract of country which lies south of the Mississippi territory, east of the river Mississippi and island of New Orleans, and west of the river Perdido, and a line drawn with the general course thereof to the southern boundary of the said Mississippi territory. The lands within the said limits shall be laid off into two land districts, between which Pearl river shall be the boundary, and for each of which districts a commissioner for land claims shall be appointed by the *President* of the United States, with the advice and consent of the senate. The said commissioners shall, respectively, have power to appoint a clerk, who shall be a person capable of translating the French and Spanish languages, and who shall, in addition to the other duties required of him by this Act, perform the duties of translator, when required by the commissioners. And the said commissioners and clerks shall, before entering on the duties of their appointments, respectively, take an oath or affirmation, truly and faithfully to execute the duties imposed on them by this Act.

Two land districts.

Pearl river to form the boundary.

A commissioner for each district.

Commissioner may appoint clerk capable of translating French and Spanish.

SEC 2. *And be it further enacted,* For the more convenient ascertainment of the titles and claims to lands as aforesaid, it shall be the duty of each of the said commissioners respectively, and their clerks, to attend in each

Commissioner to attend in the several parishes.

of the several parishes in his district, at such time and place therein as he shall appoint, for the purpose of receiving notices and evidences of titles and claims to lands within the same ; and when the commissioners shall have appointed the time and place for his attendance in any parish, he shall cause public notice thereof to be given to the inhabitants of the same, for at least twenty days previous to the time of his commencing the business of his appointment therein.

Twenty days' notice.

SEC. 3. *And be it further enacted,* That each commissioner, after he shall have attended for a reasonable and sufficient length of time in each parish of his district, for the claimants of lands within the same to have delivered the notices and evidences of their claims, shall establish his office at such a place in his district as he shall judge most convenient, and of which he shall give public notice ; and every person claiming lands within his district, who shall have neglected, or by any circumstance have been prevented from delivering a notice and evidence of his claim during the time the commissioner attended in the parish in which the lands he may claim are situate, shall be at liberty, at any time before the end of six months from and after such office shall have been established, to deliver a notice, and the evidence of his claim, and it shall have the same effect as if delivered in the parish wherein the lands claimed are situated.

Commissioner shall have office.

Six months after establishment of office allowed to give notice.

French, British or Spanish grants, &c.

SEC. 4. *And be it further enacted,* That every person claiming lands in that tract of country aforesaid, by virtue of any grant, order of survey, or other evidence of claim whatsoever, derived from the French, British, or Spanish government, shall deliver to the commissioners for land claims, when attending for the purpose in the parish in which the land claimed may lie, a notice in writing, stating the nature and extent of his claims, together with a flat (in case of a survey having been made) of the tract or tracts claimed ; and shall deliver to the commissioner, when attending as aforesaid, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim, and the same shall be re-

Grants, &c., to be delivered to the commissioner, to be recorded.

corded by the clerk, in books to be kept for that purpose, on his receiving from the party or parties at the rate of twelve and a half cents for every hundred words contained in such written evidence of their claim: *Provided, however,* That where lands are claimed by virtue of a complete French, British or Spanish grant, it shall not be necessary for the claimant to have any other evidence of his claim entered at large on the record, except the original grant or patent, together with the order of survey and the plot; all the other conveyances or deeds may be abbreviated in the entry; but the claim of title, and the date of every transfer shall appear on the record. And if such person shall neglect to deliver such notice in writing of his claim, together with the plot, (in case the lands claimed shall have been surveyed) as aforesaid, or cause to be recorded such written evidence of the claim within the time and times as aforesaid, his claim shall never after be recognized or confirmed by the United States, nor shall any grant, order of survey, deed, or conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court of the United States, against any grant which may hereafter be derived from the United States.

Proviso, where lands are claimed by virtue of complete French, British or Spanish grants.

Persons neglecting.

SEC. 5. *And be it further enacted,* That the said commissioners shall have power, in their respective districts, to inquire into the justice and validity of the claims filed with them as aforesaid. It shall be their duty to ascertain, in every case, whether the lands claimed have been inhabited and cultivated, at what time such inhabitation and cultivation commenced, when surveyed, and by whom, and what authority; and into every other matter respecting the claims which may affect the justice and validity thereof, and for that purpose shall have power to administer oaths, and to compel the attendance of, and examine witnesses, and such other testimony as may be adduced; to have access to all records of a public nature, relative to the granting, sale, transfer, or titles of lands within their respective districts, and to take transcripts from such record or records, or any part thereof; and the evidence thus adduced and

Commis- sioners' em- powered to inquire, &c. as to inhab- itation, cult- ivation, &c.

Evidence shall be recorded.

obtained shall, by the clerk, be entered in a book to be kept for that purpose.

Surveyor.

SEC. 6. *And be it further enacted*, That the powers vested by law in the surveyor of the lands of the United States south of the State of Tennessee, shall extend over all the public lands in the said tract of country.

Commissioners to prepare abstracts, &c.

SEC. 7. *And be it further enacted*, That the said commissioners shall, respectively, under such instruction as the secretary of the treasury may, with the approbation of the President of the United States, transmit to them in relation thereto, prepare and cause to be prepared, abstracts from the records of the claims filed as aforesaid, in which the claims shall be arranged into classes, according to their respective merits, and other circumstances whereby they may be diversified. The abstract shall contain the substance of the evidence adduced in support of, or obtained respecting the claims, and shall contain such other information and remarks as may be necessary to a proper decision thereon, which abstracts the commissioners shall, respectively, as soon as may be, report to the secretary of the treasury, and shall by him be laid before congress at the next session thereafter, for their determination thereon.

Report them to the secretary of the treasury.

Shall report a list of actual settlers.

SEC. 8. *And be it further enacted*, That the said commissioners be, and they are hereby authorized and required to collect and report to congress, at their next session, a list of all the actual settlers on land in said districts respectively, who have no claims to land derived either from the French, British, or Spanish government, and the time at which such settlements were made.

18th April, 1814.

AN ACT, supplemental to an Act entitled "An Act for ascertaining the Titles and Claims to Lands in that part of Louisiana which lies east of the river Mississippi, and island of New Orleans."

Be it enacted by the Senate and House of Representatives of the United States, in Congress assembled, That the time for delivering notices, and the evidences of claims to lands, as required by the Act to which this is

Time for notice of claims extended.

a supplement be, and the same hereby is, extended, until the first day of September next.

SEC. 2. *And be it further enacted*, That it shall be the duty of the commissioners appointed under the Act aforesaid, to receive such evidences as to them may be offered in support of any claims which may not be embraced by said Act, and to report the same, together with those referred to in the first section of this Act, on or before the first day of November next, to the commissioners of the general land office, to be by him laid before congress at their session.

Commissioners to receive evidence offered.

SEC. 3. *And be it further enacted*, That the commissioner for the district east of Pearl river, and west of the Perdido be, and he is hereby authorized and required to receive and make report, as aforesaid, on all claims to lands lying east of the river *Tombigbee*.

Authorized to consider claims east of the Tombigbee.

AN ACT authorizing the disposal of certain Lots of Public Ground in the City of New Orleans, and Town of Mobile. 20th April, 1818.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States shall have power, and he is hereby authorized, whenever, in his opinion, it shall be consistent with the public interest, to abandon the use of navy arsenal, military hospital and barracks in the city of New Orleans, and of Fort Charlotte at the town of Mobile, to cause the lots of ground whereon the said arsenal, hospital and barracks in New Orleans, and Fort Charlotte at Mobile, now stand, to be surveyed and laid off into lots, with suitable streets and avenues, conforming as near as may be, to the original plan of the city and town aforesaid ; and when the surveys are completed, one plot thereof shall be returned to the secretary of the treasury, and another to such officer or agent as the President shall have authorized to dispose of the said lots ; and the said lots of ground shall be offered at public sale at the city of New Orleans, and town of Mobile, respectively, on such day or

Fort Charlotte to be laid off and sold.

days as the President shall, by his proclamation, designate for that purpose, in the same manner, and on the same conditions and times of credit, as is provided by law for the sale of public lands of the United States; and patents shall be granted therefor, as for other public lands sold by the United States.

3d March,
1819.

AN ACT for adjusting the claims to Lands, and establishing Land Offices in the Districts east of the Island of New Orleans.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,

Claims
founded on
Spanish
grants favor-
ably report-
ed to the
secretary of
the treasury
by the com-
missioners
confirmed.

That all the claims to lands founded in complete grants from the Spanish government, reported to the secretary of the treasury by the commissioners from the district east and west of Pearl river, appointed under the authority of an Act entitled, "An Act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi, and island of New Orleans," which are contained in the several reports of the commissioners, and which are, in the opinion of the commissioners, valid, agreeably to the laws, usages and customs of the said government, be, and the same are hereby recognized as valid and complete titles against any claim on the part of the United States, or right derived from the United States; and that all claims founded on British grants, contained in the said reports, which have been sold and conveyed, according to the treaty of peace between Great Britain and Spain, of the third of September, one thousand seven hundred and eighty-three, by which that part of Louisiana lying east of the island of New Orleans was ceded to Spain, under the denomination of West Florida, or which were settled and cultivated by the persons having the legal title therein, at the date of said treaty, are recognized as valid and complete titles against any claim on the part of the United States, or right derived from the United States.

And on Bri-
tish grants.

SEC 2. *And be it further enacted,* That all claims reported as aforesaid, and contained in the several reports

of the said commissioners, founded on any order of survey, request, permission to settle, or any written evidence of claims, derived from the Spanish authorities, which ought, in the opinion of the commissioners, to be confirmed, and which, by the said reports, appear to be derived from the Spanish government, before the twentieth day of December, one thousand eight hundred and three, and the land claimed to have been cultivated and inhabited on or before that day, shall be confirmed in the same manner as if the title had been completed : *provided*, that in all such claims, where the plot and certificate of survey, made prior to the fifteenth day of April, one thousand eight hundred and thirteen, under the authority of the Spanish government, in pursuance of such claim, has not been filed with the said commissioners, such claim shall not be confirmed to any one person for more than twelve hundred and eighty acres, and that, for all the other claims to lands comprised in the reports aforesaid, and which ought, in the opinion of the commissioners, to be comprised, the claimant to such lands shall be entitled to a grant therefor, as a donation : *provided*, that such grant, as a donation, shall not be made to any one person for more than twelve hundred and eighty acres ; which confirmation of the said incomplete titles and grants of donations, hereby provided to be made, shall amount to a relinquishment forever, on the part of the United States, to any claim whatever to the tract of land so confirmed or granted : *and provided, also*, that no such claim shall be confirmed to any person to whom the title to any tract of land shall have been recognized, under the preceding provisions.

Claims under Spanish orders of survey re-questes and permission to settle.

Grants as donation for other claims.

Proviso, not more than 1280 acres to one person.

Confirmation of incomplete titles.

Proviso, no one person to receive more than one claim.

SEC. 3. *And be it further enacted*, That every person, or his or her legal representative, whose claim is comprised in the list or register of claims, reported by the said commissioners, and the persons embraced in the list of actual settlers or their legal representatives, not having any written evidence of claim reported as aforesaid, shall, where it appears by the said report, or by the said list, that the land claimed or settled on had been actually inhabited or cultivated by such person or persons in whose right he claims,

Grants as donations in case of claims in right of settlers, &c., on or before the 15th of April, 1813, if comprised in the lists, &c.

Proviso, no one person shall receive more than one claim.

Pre-emption rights to inhabitants and cultivators.

Proviso, money to be paid within two years.

A land office at St. Helena court house and at Jackson court house.

on or before the fifteenth day of April, one thousand eight hundred and thirteen, be entitled to a grant for the land so claimed or settled on, as a donation: *provided*, that not more than one tract shall be thus granted to any one person, and the same shall not contain more than six hundred and forty acres; and that no lands shall be thus granted which are claimed, or recognized by the preceding section of this Act.

SEC. 4. *And be it further enacted*, That every person comprised in the said list of actual settlers, not having any written evidence of claim to land in said districts, and who, on the twelfth day of April, one thousand eight hundred and fourteen, shall have inhabited or cultivated a tract of land in either of the said districts not claimed by virtue of either of the preceding sections of this Act, shall be entitled to a preference on becoming a purchaser from the United States, of such tract of land, on the same terms and conditions, and at the same price, for which the other public lands are sold at private sale: *provided*, that the first installment of the purchase money shall be paid to the receiver of public moneys of the district within which the land lies, within two years after the opening of the land office for such districts.

SEC. 5. *And be it further enacted*, That for the purpose of adjusting the titles and claims to lands in the district aforesaid, and for the disposal of the lands which may remain the property of the United States therein, a land office shall be established in each of the said districts, to be kept, for the western district, at St. Helena court house; and, for the eastern district, at Jackson court house; and a register and receiver of public moneys shall be appointed for each of the said land offices, who shall give security in the same manner, and in the same sums, and whose compensation, duties and authority shall, in every respect, be the same, in relation to the lands which shall hereafter be disposed of, at their respective offices, as are by law provided in relation to the other registers and receivers and public moneys for the several land offices of the United States.

SEC. 6. *And be it further enacted*, That every person

or persons claiming lands in either of the said districts, whose claims have not heretofore been filed with the commissioner of the said office of the district wherein the lands lie, shall be allowed until the first day of July, one thousand eight hundred and twenty, to deliver notices in writing and the evidences of their claims, in the said districts, respectively, to the register of the land office at Jackson court house, and at St. Helena court house ; and the notices and evidences so delivered, within the time limited by this Act, shall be recorded in the same manner, and on the payment of the same fees, as if the same had been delivered before the commissioners closed their said registers.

Claimants allowed till 1st July, 1820, to deliver notices, evidence, &c.

SEC. 7. *Be it further enacted*, That every person or persons, who had filed his or their notice of claim to lands, within either of the said districts, with the commissioners of the land office, according to the former laws, but have not exhibited sufficient testimony in support of the same, and whose claims have not been recommended for confirmation, shall be allowed until the first day of July, one thousand eight hundred and twenty, to deliver written evidence, or other testimony in support of his or their claims, the notice of which had been filed as aforesaid, to the register of the land office at St. Helena, for lands lying in the district west of Pearl river, and to the register of the land office at Jackson court house, for lands lying in the district east of Pearl river ; and the evidence of claims, the notice whereof had been filed as aforesaid for lands lying in the said district, delivered within the time limited by this section, to the said registers, shall be recorded by them, respectively, in the same manner as was directed by former Acts, on receiving the same fees allowed by said Acts for recording evidence of claims to lands in the same district.

Persons who had filed notices may file additional evidence. &c.g

SEC. 8. *And be it further enacted*, That the register and receiver of public moneys of the said respective land offices, at Jackson court house and at St. Helena court house, shall have the same powers and perform the same duties, in every respect, in relation to the claims that may be filed in virtue of the sixth section of this Act, and in

Powers and duties of the register and receiver at Jackson and St. Helena court house.

relation to the claims, the notices of which had been filed under former Acts, as well as to the additional evidence which shall be adduced in support thereof, agreeably to the seventh section of this Act, as the commissioners for the districts east and west of Pearl river would have had or should have performed, if such notice had been filed and such evidence adduced, before the said commissioners closed their register.

Register to report to the commissioner.

SEC. 9. *And be it further enacted*, That it shall be the duty of the register of each of the said land offices, respectively, to make to the commissioner of the general land office a report of all the claims filed with the register aforesaid, with the substance of the evidence in support thereof, and of the claims formerly filed in support of which additional evidence shall have been received, with the substance of such evidence, and also their opinion and such remarks respecting the claim as they may think proper to make ; which report, together with a list of the claims, which, in the opinion of the register and receiver, ought to be confirmed, and also a list of actual settlers, prior to the passage of this Act, noting the time of their respective settlements, shall be laid by the commissioners of the general land office before congress, at their next session, for their determination thereon.

Commissioner to lay report before congress.

Register and receiver may appoint clerks.

SEC. 10. *And be it further enacted*, That the said register and receiver shall, respectively, have power to appoint a clerk, who shall be a person capable of translating the French and Spanish language, and who shall perform the duty of translator, when required by said registers and receivers ; and each of the said registers and receivers shall be allowed, as a compensation for their services, in relation to the said claims, at the rates of fifteen hundred dollars a year, and each of the clerks at the rates of one thousand dollars a year : *provided*, That not more than eighteen months' compensation be thus allowed to the register, receiver and clerk for the district east of Pearl river, nor more than eighteen months' compensation be allowed to the register, receiver and clerk of the district west of Pearl river.

Salaries.

SEC. 11. *And be it further enacted,* That the surveyor for the lands south of the State of Tennessee shall, with the consent and approbation of the President of the United States, appoint a principal deputy surveyor for the lands within the said districts, who shall receive an annual salary of five hundred dollars, and, in addition thereto, the following fees: that is to say, for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey; and for a certified copy of any plot of a survey in the office, twenty-five cents; and whose duty it shall be to survey, or cause to be surveyed by his other deputies, the lands, the claims to which are confirmed, and that are directed to be granted as donations, when the same have not already been surveyed, and the lands which may be claimed by right of pre-emption, whenever directed by the register and receiver, and to execute such other surveys as may be necessary for the ascertainment of the lands, the title or claim to which is embraced in the report of the commissioners aforesaid. And the said principal deputy surveyor shall make out particular plots of surveys directed by this Act, which he shall return to the register of the proper district, and also, a general and connected plot, which he shall return to the surveyor of the lands south of the State of Tennessee; and the expense of surveying shall be paid by the United States: *provided,* the same shall exceed in the whole four dollars a mile, for every mile which shall be actually surveyed and marked.

Surveyor may appoint deputy.

Fees and duty.

Expense of not to exceed \$4 per mile.

SEC. 12. *And be it further enacted,* That the books of the former commissioners, in which the claim and evidence of claims are recorded, shall be lodged with the registers of the land office for the respective districts; and the register and receiver of public moneys in each respective district shall have power to examine the claims recognized, confirmed, or provided to be granted by the provisions of this Act, as also claims to the right of pre-emption; and they shall make out to each claimant entitled, in their opinion, thereto, a certificate, according to the nature of the case, under such instructions as they may receive from the

Books of former commissioners lodged with registers.

Register and receiver empowered to examine claims.

A certificate to each claimant.

Patent to
issue.

commissioners of the general land office ; and on presentation at the general land office of such certificate for a confirmed claim, or for a donation, according to the true intent and meaning of this Act, then, and in that case, a patent shall be granted, in like manner as for other lands of the United States.

8th May,
1822.

AN ACT confirming Claims to Lots in the Town of Mobile, and to Land in the former Province of West Florida, which Claims have been reported favorably on by the Commissioners appointed by the United States.

Claims to
lots in Mo-
bile founded
on complete
grants re-
cognized as
valid.

Be it enacted by the Senate and House of Representatives of the United States, in Congress assembled, That all the claims to lots in the town of Mobile, founded on complete grants derived either from the French, British or Spanish authorities, reported to the secretary of the treasury by the commissioners for the district east of Pearl river, appointed under the authority of "An Act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the island of New Orleans," or which were so reported by the register and receiver, acting as commissioners, under the act of the third of March, one thousand eight hundred and nineteen, entitled, "An Act for adjusting claims to lands, and establishing land offices in the district east of the island of N. O.," which are contained in the reports of the commissioners, or of the register and receiver acting as commissioners, and which are, in their opinion, valid, agreeably to the laws, usages and customs of the said government, be, and the same are hereby recognized as valid.

Claims to
lots in Mo-
bile con-
tained in the
reports of the
commis-
sioner con-
firmed.

SEC. 2. *And be it further enacted, That* all the claims to lots in the town aforesaid, reported as aforesaid, and contained in the reports of the commissioners, or of the register and receiver acting as commissioners, founded on order of survey, requettes, permission to settle, or other written evidence of claims, derived from either the French or British authorities, and bearing date prior to the twentieth of December, one thousand eight hundred and three, and which ought, in the opinion of the commissioners, to be confirmed, shall

be confirmed in the same manner as if the title had been complete.

SEC. 3. *And be it further enacted*, That all the claims to lots in the town aforesaid, and contained in the reports of the commissioners, founded on private conveyance, which have passed through the office of the commandant, or other evidence, but founded, as the claimants allege, on grants lost by time and accident, and which ought, in the opinion of the commissioners, to be confirmed, shall be confirmed, in the same manner as if the titles were in existence : *provided*, that in all such claims, where the quantity claimed is not ascertained, no one claim shall be confirmed for a quantity exceeding seven thousand two hundred square feet : *and provided also*, that all the confirmations and grants provided to be made by this Act, shall amount only to a relinquishment forever, on the part of the United States, of all right and title whatever to the lots of land so confirmed or granted.

All claims to lots in Mobile, &c., founded on private conveyances, &c., confirmed, &c.

Proviso, unless quantity is ascertained not to exceed 7,200 feet.

SEC. 4. *And be it further enacted*, That for all other claims to lots in the town aforesaid, reported as aforesaid, which are contained in the report of the register and receiver, and which, by the said report, appear to have been built upon, or improved and occupied, on or before the fifteenth day of April, one thousand eight hundred and thirteen, the claimants shall be entitled to grants therefor, as donations : *provided*, that in all such claims, where the quantity claimed is not ascertained, no one claim shall be confirmed for a quantity exceeding seven thousand two hundred square feet ; *and provided also*, that all confirmations and grants provided to be made by this Act, shall amount only to a relinquishment forever, on the part of the United States, of all right and title whatever to the lots of land so confirmed or granted.

For all other claims to lots in Mobile, grants to issue as donations.

Proviso, where quantity is not ascertained not to exceed 7,200 feet.

SEC. 5. *And be it further enacted*, That the registers and receivers of the land offices at St. Helena court house, and at Jackson court house, respectively, shall have the same power to direct the manner in which all lands confirmed by this Act shall be located and surveyed, and also to decide between the parties in all conflicting and interfering claims, as are given by the Act entitled, " An

Registers and receivers of the land offices at St. Helena and Jackson court houses

Act supplementary to the several Acts for adjusting the claims to lands, and establishing land offices in the districts east of the island of New Orleans.”

8th May,
1822.

AN ACT supplementary to the several Acts for adjusting the Claims to Land, and establishing Land Offices in the Districts east of the Island of New Orleans.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,

Claims to land derived from British or Spanish authorities reported, &c. recognized, &c., as complete titles.

That all the claims to lands said to be derived from the British or Spanish authorities, reported to the commissioner of the general land offices by the registers and receivers of the land offices at St. Helena court house, and at Jackson court house, in the districts east and west of Pearl river, appointed under the authority of an Act entitled, “An Act for adjusting the claims to lands, and establishing land offices in the districts east of the island of New Orleans,” which are contained in the several reports of the registers and receivers, and which are, in the opinion of the registers and receivers, valid, agreeably to the laws, usages and customs of the said governments, be, and the same are hereby recognized as valid and complete titles, against any claim on the part of the United States, or right derived from the United States.

All claims reported, &c. derived from the Spanish authorities, &c., confirmed.

SEC. 2. *And be it further enacted,* That all the claims reported as aforesaid, and contained in the several reports of the said registers and receivers, founded on orders of survey, requettes, permission to settle, or other written evidences of claims derived from the Spanish authorities, which ought, in the opinion of the registers and receivers, to be confirmed, shall be confirmed in the same manner as if the title had been completed: *provided,* that the confirmation of the said claims, provided for by this Act, shall amount only to a relinquishment forever, on the part of the United States, of any claims whatever to the tract of land so confirmed or granted.

Proviso.

SEC. 3. *And be it further enacted,* That every per-

son, or his or her legal representative, whose claim is com-
 prised in the lists or registers of claims reported by the
 registers and receivers, and the persons embraced in the
 lists of actual settlers, or their legal representatives, not
 having any written evidence of claims reported as afore-
 said, shall, when it appears by the said report, or by the
 said lists, that the land claimed or settled on had been
 actually inhabited or cultivated by such person or persons
 in whose right he claims, on or before the fifteenth day of
 April, one thousand eight hundred and thirteen, be entitled
 to a grant for the land so claimed or settled on, as a dona-
 tion : *provided*, that not more than one tract shall be thus
 granted to any one person, and the same shall not contain
 more than six hundred and forty acres ; and that no lands
 shall be thus granted which are claimed or recognized by
 the preceding sections of this Act, or by virtue of a confir-
 mation under an Act entitled, " An Act for adjusting the
 claims to lands and establishing land offices in the districts
 east of the island of New Orleans," approved on the third
 day of March, eighteen hundred and nineteen : *and pro-
 vided, also*, that no claim shall be confirmed when the quan-
 tity was not ascertained, and report made thereon by the
 registers and receivers, prior to the twenty-fifth day of
 July, one thousand eight hundred and twenty.

Every per-
 son, &c.,
 whose claim
 is comprised
 in the lists,
 &c., entitled
 to a grant,
 &c.

Proviso.

Proviso.

SEC. 4. *And be it further enacted*, That the *regis-
 ters and receivers* of the *public moneys* of the said respect-
 ive districts, except in relation to perfect titles, so recog-
 nized in the first section of this Act, and the first section
 of the Act of the third day of March, one thousand eight
 hundred and nineteen, shall have power to direct the manner
 in which all lands claimed in virtue of the preceding sec-
 tions shall be located and surveyed ; and also to direct the
 location and manner of surveying all the claims to land
 recognized by the second, third and fourth sections of an
 Act entitled, " An Act for adjusting the claims to land,
 and establishing land offices in the districts east of the
 island of New Orleans," approved on the third day of
 March, one thousand eight hundred and nineteen, having
 regard to the laws, usages and customs of the Spanish gov-

Registers
 and receiv-
 ers except
 &c. to direct
 the manner
 in which the
 lands shall be
 located and
 surveyed,
 having re-
 gard, &c.

ernment on that subject, and having regard also to the mode adopted by the government of the United States in surveying the claims to land confirmed by virtue of the second and third sections of an Act of Congress, entitled, "An Act regulating the grants of lands, and providing for the disposal of the lands of the United States, south of the State of Tennessee," approved on the third of March, one thousand eight hundred and three; and that, in relation to all such claims which may conflict, or in any manner interfere, the said registers and receivers of public moneys of the respective districts shall have power to decide between the parties, and shall, in their decision, be governed by such conditional lines or boundaries as may have been agreed on between the parties, either verbally or in writing, at any time prior to the passage of this Act. But, upon the decision of those claims alluded to, which may conflict or interfere, and in relation to which the parties interested have agreed on no conditional lines or boundaries as to the manner of locating the same, the said registers and receivers of the respective districts shall make an equal division of the land claimed, so as to allow each party his or their improvements: *provided, however*, that should it be made to appear, to the satisfaction of the registers and receivers of public moneys of the respective districts in any such case, that the subsequent settler had obtruded on the claims of the former, and had made his establishment after having been forbid so to do, the said registers and receivers of public moneys shall have power to decide between the parties, according to the circumstances of the case, and the principles of justice.

May decide
in conflict-
ing claims,
&c.

Proviso.

Patents for
lands.

SEC. 5. *And be it further enacted*, That patents shall be granted for all lands confirmed by virtue of the provisions of this Act, in the same manner as patents are granted for lands confirmed under former Acts, to which this is a supplement.

Persons en-
titled to
tracts under
the second
and third
sections of
this Act.

SEC. 6. *And be it further enacted*, That to every person who shall appear to be entitled to a tract of land under the second and third sections of this Act, a certificate shall be granted by the register and receiver of the district in which

the land lies, setting forth the nature of the claim, and the quantity allowed : for which certificate the party in whose favor it issues shall pay one dollar. The party to pay a dollar, &c.

SEC. 7. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to remove the land office from St. Helena court house to such other place within the said district as he may deem suitable and convenient. President authorized to remove the land office from St. Helena court house, &c.

AN ACT granting certain lots of Ground to the Corporation of the City of Mobile, and to certain individuals of said city. 26 May, 1824.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the right and claim of the United States to the lots known as the hospital and bake-house lots, containing about three-fourths of an acre of land, in the city of Mobile, in the State of Alabama, and also all the right and claim of the United States to all the lots not sold or confirmed to individuals, either by this or any former Act, and to which no equitable title exists in favor of any individual, under this or any other Act, between high water mark and the channel of the river, and between Church street and North Boundary street, in front of the said city be, and the same are hereby vested in the mayor and aldermen of the said city of Mobile, for the time being, and their successors in office, for the sole use and benefit of the said city forever. Hospital and bake-house lots in the city of Mobile, &c.

SEC. 2. *And be it further enacted,* That all the right and claim of the United States to so many lots of ground east of Water street, and between Church street and North Boundary street, now known as water lots, as are situated under the Spanish government, as water lots, in the said city of Mobile, whereon improvements have been made, be, and the same are hereby vested in the several proprietors and occupants of each of the lots heretofore fronting on the river Mobile, except in cases when such proprietor or occupant has alienated his right to any such lot, now designated as a water lot, or the Spanish government has made a new Right and claim of the United States, to other lots, vested in occupants, when water lots.

grant or order of survey for the same, during the time which they had the power to grant the same; in which case the right and claim of the United States shall be, and is hereby vested in the person to whom such alienation, grant or order of survey was made, or in his legal representatives: *provided*, that nothing in this Act contained shall be construed to affect the claim or claims, if any such there be, of any individual or individuals, or of any body, politic or corporate.

3d March,
1827.

AN ACT supplementary to the several Acts providing for the adjustment of Land Claims in the State of Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,

Course to be
pursued by
claimants
of lands.

That the claimants of lands, town-lots or out-lots within that part of the limits of the former land districts of Jackson court house, which is embraced in the State of Alabama, whose claims have been presented to the commissioners appointed to receive and examine claims and titles to lands in said district of Jackson court house, or to the register and receiver of the land office at Jackson court house, acting as commissioner, under the provisions of the Act of the third of March, one thousand eight hundred and nineteen, entitled, "An Act for adjusting the claims to lands, and establishing land offices in the district east of the island of New Orleans," and which have not been reported to congress, or whose claims have not heretofore been presented to the said commissioners, or to the register and receiver acting as commissioners, or whose claims have been acted upon, but additional evidence adduced, be allowed until the first day of September, eighteen hundred and twenty seven, to present their titles and claims; and the evidence in support of the same, to the register and receiver of the land office at St. Stephens, in the State of Alabama, whose powers and duties, in relation to the same shall, in all respects, be governed by the provisions of the Acts before recited, and of the Act of the eighth of May,

eighteen hundred and twenty-two, entitled, "An Act supplementary to the several Acts for adjusting the claims to land, and establishing land offices in the district east of the island of New Orleans.

SEC. 2. *And be it further enacted,* That the said register and receiver shall have power to receive and examine such titles and claims, and, for that purpose, shall hold their sessions at this city of Mobile. They shall give suitable notice of the time and place of their sessions, but may adjourn from time to time, and meet at such other places as may be necessary, or may best suit the convenience of the claimants, on giving proper notice of the time of their adjournments. And the said register and receiver shall have power to appoint a clerk, who shall be a person capable of translating the French and Spanish language, and who shall perform the duties of translator, and such other duty as may be required by the said register and receiver ; and the said register and receiver shall each be allowed, as a compensation for their services, in relation to said claims, and for the services to be performed under the provisions of the several Acts to which this is a supplement, at the rate of one thousand dollars per annum ; and the clerk at the rate of one thousand dollars per annum, which several sums of money shall be paid out of any moneys in the treasury, not otherwise appropriated : *provided*, that not more than one year's compensation shall be thus allowed to either the register, or receiver, or clerk, and the payment of the whole of the aforesaid compensation shall be withheld by the secretary of the treasury, until a report, to be approved by him, shall have been made to him, of the performance of the services for which the same is allowed.

Power given to register and receiver.

Proviso.

Duty of the register and receiver of the land office at Augusta, in Mississippi, to certify to register of land office at St. Stephens.

SEC. 3. *And be it further enacted,* That the register and receiver at the land office at Augusta, in the State of Mississippi, be, and they are hereby, required, to separate, so far as practicable, from the titles to lands in Mississippi, all such papers or claims, or evidence of claims, for any tract of land or town lot, laying in the State of Alabama, and certify the same generally to the register of the land office at St. Stephens, in the State of Alabama ; and, on

proper application, to deliver them over to the said register, whose duty it shall be to receive the same and preserve them among the records of his office.

3d Maroh.
1827.

AN ACT to grant to the Corporation of the City of Mobile, the right of preference in purchase of four sections of Land, or a quantity equal to four sections, at or near Spring Hill, in the County of Mobile.

City of Mo-
bile may en-
ter at \$1.25
per acre for
a certain
quantity of
land, at or
near Spring
Hill.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the register and receiver of the land office at St. Stephens be, and they are hereby authorized and directed to receive from the corporation of the city of Mobile, the sum of one dollar and twenty-five cents per acre, for a quantity of land, not exceeding four sections, at or near Spring Hill, in the county of Mobile, and State of Alabama; and, upon the receipt of the said sum as aforesaid, the said register and receiver shall issue their certificates to, and in the name of the corporation of the city of Mobile for the said quantity of land, not exceeding four sections as aforesaid.

The United
States re-
linquish
their title.

SEC. 2. *And be it further enacted,* That for and in consideration of the sum aforesaid, paid as aforesaid, that all the right and claim of the United States to the said quantity of land, not exceeding four sections, in the county of Mobile, and State aforesaid, be, and the same is hereby vested in the mayor and aldermen of the said city of Mobile, for the time being, and their successors in office, to be applied or disposed of by them, for the sole use and benefit of the said city forever: *provided,* that no part of any claim, arising from acts of congress, known as donations or pre-emptions, by the reported list of actual settlers, or from grants recognized by any treaty, shall be excepted from, and held as not covered or interfered with by this Act.

Proviso.

Patents to
issue.

SEC. 3. *And be it further enacted,* That patents shall issue, upon the presentation of said certificate of the register and receiver aforesaid, for the said quantity of land not

exceeding more than four sections, to the corporation of the city of Mobile, in the same manner that patents now issue upon the final certificate for other public lands.

AN ACT confirming the reports of the Register and Receiver of the Land Office for the District of St. Stephens, in the State of Alabama and for other purposes. Act of March 2d, 1829.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the claims to lands and town lots contained in the abstracts denominated A. number one, D. number one, F. number one, reported to the treasury department by the register and receiver of the land office for the district of St. Stephens, in the State of Alabama, under the provisions of the Act of congress of the third of March, one thousand eight hundred and twenty-seven, be, and the same are hereby confirmed to the extent therein recommended for confirmation. Certain land claims in Alabama confirmed.

SEC. 2. *And be it further enacted,* That all the claims contained in special reports numbered one to four, inclusive, and in a supplementary report of the said register and receiver, made as aforesaid, be, and the same are hereby confirmed. Others confirmed.

SEC. 3. *And be it further enacted,* That every person or persons, or the legal representatives of such person or persons, who, on the fifteenth day of April, one thousand eight hundred and thirteen, had for ten consecutive years prior to that day been in possession of a tract of land not claimed by any other person, and not exceeding the quantity contained in one league square, and who were, on that day, resident in that part of Louisiana situated east of Pearl river and west of the Perdido, and below the thirty-first degree of north latitude, and had still possession of such tract of land, shall be authorized to file their claims in the manner required in other cases, before the said register and receiver at St. Stephens, for their decision thereon, and it shall be the duty of the said register and receiver to hear and record Certain claims to be filed with register and receiver at St. Stephens

Register and receiver to record evidence in support of claims.

Proviso.

the evidence offered to support such claim ; and if the same shall be established by sufficient proof, agreeably to the provisions of this section, the said officers shall, in their report, recommend the confirmation of the right to such claim, as in other cases : *provided*, that no more land be reported for confirmation by virtue of this section than is actually claimed by the party, or than is contained within the acknowledged and ascertained boundaries of the tract claimed ; nor shall the provisions of this section authorize the confirmation of any land heretofore sold by the United States.

Operation of confirmation

SEC. 4. *And be it further enacted*, That the confirmation of all the claims provided for by this Act shall amount only to a relinquishment forever, on the part of the United States, of any claim whatever to the tracts of land and town lots so confirmed, and that nothing herein, contained shall be construed to affect the claim or claims of any individual or body politic or corporate if any such there be.

Register and receiver to direct mode of locating and surveying confirmed claims.

SEC. 5. *And be it further enacted*, That the register and receiver at the land office at St. Stephens be, and they are hereby invested with power to direct the manner in which all claims to lands and town lots, which have been confirmed by this and former Acts of congress, in their districts, shall be located and surveyed, having regard to the laws, usages, and customs of the Spanish government on that subject, and also the mode adopted by the government of the United States, in surveying the claims confirmed by virtue of the second and third sections of an Act of Congress, entitled, "An Act regulating the grants of lands, and providing for the disposal of the lands of the United States, south of the State of Tennessee," approved the third of March, one thousand eight hundred and three ; and that so much of the fourth section of the "Act supplementary to the several Acts for adjusting the claims to lands and establishing land offices in the district east of the island of New Orleans," approved the eighth of May, one thousand eight hundred and twenty-two, as interferes with the power granted to the register and receiver of the

land office at St. Stephens be, and the same is hereby repealed.

SEC. 6. *And be it further enacted,* That certificates of confirmation and patents shall be granted for all lands and town lots confirmed by virtue of the provisions of this Act, in the same manner as patents are granted for lands and town lots confirmed under former Acts of congress.

Certificates and patents to be granted.

AN ACT confirming land claims in the district of St. Stephens, Alabama. June 26th. 1834.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the decision of the register and receiver of the land office for the district of St. Stephens, in Alabama, as contained in their report, bearing date the seventh of March, eighteen hundred and thirty-two, made in pursuance of the Act of congress approved the second of March, eighteen hundred and twenty-nine, entitled, "An Act confirming the report of the register and receiver of the land office of the district of St. Stephens, in the State of Alabama, and for other purposes," be and the same are hereby confirmed.

Decisions of the register and receiver of land office at St. Stephens in report of 7th of March, 1832 confirmed.

C I T Y D E B T O F 1 8 4 3 .

Statement of city debt. [Prior to 1842, the city had become so involved, from the loose manner in which its indebtedness had been created and managed, that the creditors had obtained judgment on many of their debts, and were about selling the city property.]

On the 2d March, 1842, the finance committee of the two boards made the following report :

Report of finance committee as to financial condition of city, made on 2d March, 1842.

REPORT OF THE FINANCE COMMITTEE OF THE BOARDS OF ALDERMEN AND COMMON COUNCIL OF THE CITY OF MOBILE.

In laying before our fellow citizens a view of the present situation of the affairs of the corporation, with the purpose of presenting to them a plan of immediate relief from embarrassment, and ultimate liquidation of the city debt, which, if adopted by the present boards, and concurred in and observed by the future authorities, will enable the city to reduce its expenditures, restore its credit, and provide for the extinction of its debts, it is deemed not unimportant to review the operation of our affairs under the amended charter of 1839 and '40. To do this and show the state of affairs when that amended charter went into operation, we would present again to our fellow citizens a portion of the report of the finance committee, made on the 27th March last, as follows :

“The committee appointed on the comptroller’s books found them so arranged, that, in the language of the comptroller of the preceding year, ‘for the purpose originally designed—to present at all times a complete view of the debts, credits, resources, liabilities, and general financial condition of the city—they were comparatively useless.’ No interest account or bond account, except for the funded debts ; no cash account at all, nor account of canceled orders appeared on the books of the comptroller.”

The books of the clerk of the corporation, the comptroller and treasurer, had but little relation to each other, and were almost as distinct and separate as if representing the concerns of so many different corporations. Prior to the organization of the office of comptroller, the affairs of the corporation appear to have been managed most loosely. The records of proceedings up to the year 1838 were without index, the financial affairs without system, or entire engrossment any where ; some of the books have been lost, and the papers and documents, important and unimportant, thrown loosely into boxes and baskets, lying mostly unlabeled, and in a confused and promiscuous heap. The books of the comptroller's office for the year 1837 and 1838, are unbalanced and confused. Since that period, they have been, with the books of the treasurer likewise, annually balanced ; the latter, however, by throwing the balance of all debits and credits into one account of the "city of Mobile," thus leaving, in the hands of the succeeding treasurer, the books, without any open accounts, however important, and placing out of view those nominal accounts which made a part of the indebtedness of the city. How much of importance has been obscured by this practice, the committee were unable to determine.

Receiving the affairs of the corporation as herein represented, the committee had a difficult task to perform. In their investigation during the municipal year, to go beyond the period when the office of comptroller was established was impossible. To attempt to thoroughly examine and balance the comptroller's books of 1837 and 1838, while bringing all the affairs into a better system, they believed would delay their more important objects, and might, after all, with their imperfect knowledge of the affairs of those years, be attended with no result so satisfactory as to compensate for the labor and the delay. The committee, therefore, turned their attention first, to ascertaining the indebtedness of the city, taking for their platform the comptroller's books and accounts, as transferred to them. In their investigations, they have found that the funded debt, as then represented under the head of city bonds, is prob-

ably correct. They then investigated the issue of bonds of \$100 each, on 1, 2 and 3 years' time, and found of these remaining unpaid, the amount of \$32,200. Their next investigation was the issue of city orders, or orders of the clerk of the corporation on the treasurer. The city had no means of ascertaining the amount of city orders unpaid, that were issued prior to the period that the present clerk of the corporation entered upon his official duties: they presume, however, the amount is small, as few in number, and inconsiderable in amount, have appeared within the last two years. Of the orders issued during the time the present clerk has been in the service of the corporation, which are all regularly registered and numbered, they ascertained that there remained unpaid, up to the period of their investigations, the amount of \$43,263 38. It was found impossible to ascertain the amount of interest due by the corporation, as the items of payment had, in previous years, been entered to different accounts in the books of the treasurer, without specifying whether they were coupons, interests on coupons, or interests on other debts; neither could they ascertain satisfactorily the amount of change bills in circulation. The issue of these had been blended in the books of the treasurer through different accounts: at one time on account of "corporation change bills," at another, "old change bills," and at another, "change bill committees," and each year, through the system before referred to, these were balanced by being debited or credited to the "city of Mobile," and were thus thrown out of the action of each successive board. The committee raised no account in the books that had not received as full an investigation as it was in their power to give, hence some individual indebtedness to the city, and other accounts, do not appear in their statements, as the committee to whom these were referred, had made no report. None, however, of these, affect at all the indebtedness of the city: hence, likewise, the indebtedness for interest due and unpaid, and for change bills unredeemed, or for old claims not yet presented or recognized, does not appear in the statement from the comptroller's books. From the investigation, the committee have given the latter, they do not think, taking into consideration

the amount probably lost, worn out, and destroyed, that there will ever be presented for redemption much over \$20,000. Every year of their circulation will probably lessen the amount that will appear for redemption.

The committee found on the comptroller's books an account termed the "city of Mobile," to the credit of which there was standing a balance of \$6,590 81. To this account they have placed all the results of their investigations, all the balances of department accounts of the previous year, and the settlement of all contracts of former boards. The balance of this account is now \$106,721 79. The account is better explained by stating it as follows :

CITY OF MOBILE.

Dr.

City orders unpaid per account investigated, - - -	\$43,263 38
" bonds " of \$100 each, - - - - -	32,200 00
Amount of change bills destroyed, - - - - -	15,922 00
Notes of Henry Hitchcock given up on transfer of the water works, - - - - -	32,240 00
Department accounts found on the books, relat- ing to former boards, - - - - -	3,306 20
Settlements of contracts made by former boards, \$2,189 67	
G. W. Owen, mayor, due bill to J. G. Lyon, - 3,948 00	
	<u>6,137 67</u>
Change bills redeemed during this year, - - - - -	3,168 26
Note of H. Chamberlain, mayor, to S. Wright & Co., not before entered, - - - - -	2,427 60
	<u>\$138,665 11</u>

Cr.

Balance standing on the books, April, 1840, - - -	\$6,590 81
Account of city treasurer—cash on hand, including change bills destroyed, - - - - -	22,871 50
Do. of hospital treasurer, - - - - -	1,483 33
Balance of hospital acc'ts investigated, - - - - -	832 68
Account current from Phenix Bank, New York—receipts for, and payments of interest—balance, - - - - -	465 00
	<u>\$31,943 32</u>
Balance at debit in new account, - - - - -	106,721 79
	<u>\$138,665 11</u>

The systems now introduced into the books of the various offices is as follows, viz. : No payments or appropriations are made but by resolutions or orders of the two boards.

For these, orders are drawn on the treasurer from the office of the clerk of the corporation, which orders are numbered, and registered and engrossed in department books of accounts as follows, viz. :

No. 1,	Payments of	- - -	guard,
" 2,	" "	- - -	laborers.
" 3,	" for	- - -	horses and carts.
" 4,	" of	- - -	fire department.
" 5,	"	- - -	old contracts and accounts.
" 6,	"	- - -	salaries of officers.
" 7,	"	- - -	miscellaneous.
" 8,	"	- - -	account of city hospital.

These department books are engrossed on the books of the comptroller to the debit of the several departments, and credit of the individuals in whose favor the account appears. The orders drawn in settlement of these claims are, by the comptroller, placed to the credit of the "office of clerk of the corporation," and debit of the parties. When paid or received by the treasurer, they are on his books entered to an account with the comptroller, while the receipts and disbursements of the treasurer appearing under the various departments of annual resources and payments, are monthly transferred by him to an account with the comptroller. The statements of the treasurer are engrossed monthly by the comptroller, and the items placed to their respective accounts, the orders paid or received by the treasurer, being placed to the debit of the "office of the clerk of the corporation." Thus the whole transactions of the corporation are spread upon the books of the comptroller. The balance of the account of "office of the clerk of the corporation," shows the orders unpaid, the account with the treasurer shows the transactions of that department. Weekly statements are rendered to both boards by the receiving and disbursing officers. These are audited monthly, the engrossment of accounts by the comptroller examined, and his statements rendered quarterly.

This elucidation the committee deemed necessary to show the system adopted and as explanatory of the subjoined statement of the comptroller's books at this close of muni-

cipal year. It is proper to state here, that a complete index has been, by the comptroller, prepared for all the old record books that were without one, and that the papers and documents so loosely left by the former boards, are in the process of being arranged and filed. With this view of the arrangement of city affairs, commenced under the operation of the amended charter of 1839 and '40, we would now present a transcript statement or balance sheet of the books of the comptroller's office on the first of January, 1842. It will be recollected that these books are kept by double entry, a system perfect of itself, but generally familiar to mercantile men, and that all the operations of city affairs since March, are thereon engrossed, as well as other affairs prior to that date, which the investigation of the committee could fully arrive at.

STATEMENT.

Dr.

Department No. 1, city guards, - - -	\$9,757 79	
“ 2, laborers, - - -	828 84	
“ 3, horses and carts, - - -	4,623 22	
“ 4, fire department, - - -	2,823 62	
“ 6, salaries of officers, - - -	8,803 02	
“ 7, miscellaneous, - - -	5,299 67	
“ 8, city hospital, - - -	4,410 37	
	<hr/>	\$36,546 53
Stock in Cedar Point Railroad,		
Subscription to that stock - - -		10,000 00
Real estate as per assessment, 1837, - - -		495,900 00
Bills receivable, note of E. Murray, - - -	\$2,500 00	
“ “ J. E. Beers, - - -	416 00	
	<hr/>	2,916 00
Bond of school commissioners, due 1855, - - -		15,000 00
City of Mobile, items of old contracts and accounts, - - - - -		120,719 63
Interest account, interest paid since April, 1840, - - - - -		22,097 00
New guard house, cost thereof, - - - - -		10,415 26
Armory, appropriation therefor, - - - - -		5,000 00
City treasurer, balance city orders, coupons, and short bonds not charged up and cash on hand, - - - - -		12,383 93
Hospital treasurer, balance on hand, - - - - -		855,76
		<hr/>
		\$731,834 11

<i>Cr.</i>		
City bonds, loans of 1830, twenty years due		
1850 at 8 per cent., - - -	\$30,000	
Do. 1834, 30 years 1864, 6 per cent.,	200,000	
" 1836, 10 " 1846, 8 " "	190,000	
" 1836, 20 " 1856, 6 " "	24,000	
" 1836, 20 " 1856, 8 " "	10,000	
" 1836, 20 " 1856, 8 " "	30,000	
" 1839, 30 " 1849, 6 " "	29,000	
	\$513,000	00
Bonds given at 1, 2 and 3 years, found at commencement of municipal year 1840, to be unpaid, - - -	\$32,200	00
Since paid by receipt in taxes, - - -	\$19,300	
Paid on account of judgments on bonds,	465	
	19,765	00
Balance due on short bonds, - - -		12,435 00
		\$525,435 00
Bills payable, notes at State Bank advanced for Creek campaign,	18,500	00
Less payment this year, - - -	4,714	75
		13,785 25
Notes at Bank Mobile advanced for Creek campaign, - - -	19,178	55
Less endorsement of taxes, 1840, - - -	382 ^f	00
Less endorsement of taxes, 1841, - - -	580	00
" payment this year, 4,714	76	
	5,676	76
		13,501 79
Nota to Smith, Wright & Co.,		2,427 60
		29,714 64
Powder magazine, receipts of storage, - - -		1,440 76
New graveyard, " for lots sold, - - -		750 00
Rents do. rents of market houses, &c., - - -		12,924 63
Fines and fees, do. for these, - - -		1,000 26
Licenses do. do. do. - - -		15,360 00
City water works do. water - - -		962 00
" taxes 1841, do. of taxes on real estate, 1841, - - -		73,108 86
Office of clerk of the corporation, balance of orders unpaid, - - -		27,204 33
Individual accounts, balance due, - - -		2,347 06
Department No. 5, balance of receipts and expenditures of 1841. - - -		41,586 57
		\$731,834 11

The following is a statement of the fiscal transactions of the corporation for the three quarters of the municipal year ending the first January, 1842, viz. :

STATEMENT.

On hand 27th March, 1841, treasurer's balance		
of that date, - - - -	\$2,925	61
Hospital treasurer's do. do. - - - -	146	27
		\$3,071 88
Receipts from powder magaziné,	\$1,440	76
" lots in graveyard, -	750	00
" rent markets, wharves, &c,	12,924	63
" fines and fees, - -	1,000	26
" licenses, - - - -	15,360	00
" city taxes, - - - -	73,108	86
" city water works, -	962	00
		105,546 51
From the U. S. government on account of claims for expenditure in the Creek campaign, - - - -	9,429	51
		114,976 02
		\$118,047 90
Payments expenditures—		
Department No. 1, city guard, - -	\$9,757	79
Do. 2, laborers, - - - -	828	84
Do. 3, horses and carts, -	4,623	22
Do. 4, fire department, -	3,823	62
Do. 6, salaries of officers, -	8,803	02
Do. 7, miscellaneous, - -	5,299	67
Do. 8, city hospital, - -	4,410	37
		\$36,546 53
Payment of interest by receipts in		
taxes, - - - -	\$12,415	17
Do. short bonds, do. - -	8,900	00
Do. for completion of new guard house - - - -	2,915	26
Do. of deferred claims for expenditures of 1841, -	3,994	49
Do. of old claims prior to 1840, and exchange bills re-deemed &c., - - - -	23,427	35
Do. on account of notes due State Bank and Bank of Mobile, - - - -	10,009	51

Appropriation for armory, - -	5,000 00		
Balance of city orders redeemed and individual accounts paid, -	1,599 90	<u>68,261 68</u>	<u>104,808 21</u>
Balance—treasurer's balance orders, short bonds and coupons not charged up and cash on hand, - - - -	\$12,383 93		
Hospital treasurer's balance on hand, - -	855 76	<u>\$13,239 69</u>	

As has already been represented in the foregoing extract of a former report, the first boards, under the amended charter of 1839 and '40, had to strike out systems where confusion and disorder existed, and ascertain the situation of city affairs, where no proper representation of them had, for a long time previous, been made. Their efforts, therefore, to introduce economy into the administration of city affairs, and to arrive at any attainable object of relief to the fiscal embarrassments of the city, was impaired by the condition in which they found its affairs. A large floating debt, consisting of city orders, change bills, coupons of interest, and other obligations, had placed the corporation in a position that it could collect nothing in cash or current bank notes, but the whole of its revenue and taxes was to be received through its own indebtedness, and its expenditures to be made by a continued issue of corporation orders. Hence, in the posture of affairs, in the consequent impaired credit of the city, these orders were at a discount, varying through the year from ten to thirty per cent., and at an average of at least 20 per cent. for the year. At this ruinous rate, therefore, the city paid her expenditures and her obligations. Without any correct data on which to act, and under such circumstances, to provide for the public exigencies, restore the public quiet and security, investigate the fiscal situation of the city, and introduce economy in the administration of affairs, was a task of no ordinary magnitude, however favorable to these, was the amended charter of 1839 and '40. The extract from the report of the finance committee of the 27th of March, 1841, will show the results of the investigation of affairs during the last year, and the following will show the

results of the economical efforts of the boards, both in 1841 and this year :

In the year 1841, the receipts from taxes and other revenue amounted to, - - - -	\$108,112 63
The expenditures for police purposes amounted to, - - - - -	\$62,531 57
Claims for do. presented and paid since, -	3,994 49
	66,526 06
Saved and appropriated in liquidation of the floating debt, - - - - -	\$41,586 57

For the three-quarters ending the 1st of January of this year, there appears the following difference from the expenditures of 1841, viz. :

Expenditures to the 1st Jan., 1841, - - - - -	\$51,688 41
Do. to the 1st Jan., 1842, - - - - -	36,546 53
	Amount of decrease in expenditures of 1841 and '42, for nine months, - - - - -
	\$15,141 88

Early in the course of the investigation of the affairs of the corporation, the chairman of this committee was impressed with the idea that if he could reduce the floating liabilities due immediately to our citizens in the form of corporation orders and change bills to a point that, through the receipts of a year they could be absorbed, and at the same time leave sufficient to pay the reduced expenditures of the city, the corporation might fund the amount of interest due, and any other liabilities that would appear, and thus resume cash receipts and cash payments, thereby saving in the expenditures of the corporation 20 per cent., or one-fifth of the present amount of expenditures, and through this restoration of the public credit, and ameliorated condition of the finances, prepare the way for a final extinction of the city debt, without placing on the citizens any additional and onerous burdens. In this view the committee have concurred, and with the hope of accomplishing this object, the course of city affairs have been in no small measure conducted. The opportunity of accomplishing these objects is now presented, and the situation of city affairs for the first time presents an aspect favorable to the purpose. The following is a statement of the *city debt*, with-

out including the immediate liabilities in the form of corporation orders, viz :

Bonds issued as per general statement, - - - -	\$525,435 00
Bills payable, due bank (with interest), - - - -	29,714 64
	<u>\$555,149 64</u>
Amount of interest due by estimate, - - - -	100,000 00
Making - - - - -	<u>\$655,149 64</u>

We have a claim on government, recognized, and arranging on principles of equity, assigned for payments of the banks, which we presume will cover that debt and interest. It is therefore deducted, - - - -

Leaving the amount, - - - - -	\$625,435 00
We estimate to cover all other liabilities that may possibly appear, and a possible greater amount of interest that may be due, an amount to make a debt of \$650,000, viz.,	24,565 00
Making a city debt of, - - - - -	<u>\$650,000 00</u>

The assets of the city, as per assessment of 1837, amount as follows :

Real estate, as per assessment, - - - - -	\$495,900 00
Bills receivable, notes due, - - - - -	2,916 00
Stock in Cedar Point Railroad, - - - - -	10,000 00
Bonds of school commissioners, - - - - -	15,000 00
	<u>\$523,816 00</u>
Of these, the railroad stock, - - - - \$10,000 00	
and bills receivable, - - - - 2,916 00	
are worth nothing, therefore deducted, - - - -	12,916 00
Leaving the estimated value of real estate, 495,900 00	} \$510,900 00
And bond of school commissioners, which	
is perfectly good, - - - - 15,000 00	

What would be the proper value of this real estate at the present time, and under present circumstances, the committee do not and cannot pretend to judge. It has been assigned for the benefit of the creditors of the city, and the trustees have advertised the city property for sale under the deed of assignment in May next. It has been supposed that those holding the bonds of the city, and coupons, would pay more for this property than, if otherwise sold, it would probably bring ; but it must be understood that

these bonds and coupons are mostly held by aliens, who, under the present disposition of our legislators, would not, probably, be permitted to improve it, and therefore they would not be likely to purchase, and hence the general expectation of an advantageous sale might not be realized. The committee are therefore induced to present a plan of relief from the present embarrassments, and a restoration of cash payments and receipts by the city treasury for the ensuing year. They find that those holding city bonds and coupons to nearly if not quite, two-thirds of the whole amount of these, are willing to extend those bonds to twenty years from this period, and to fund the amount of coupons now due for the same time, upon a pledge of the city property for the payment of the bonds at maturity, and a portion of the annual revenue for the payment of the annual interest. Predicated, therefore, upon the possibility of effecting such an arrangement, the committee submit to their fellow citizens the following plan: That the coupons and such other liabilities as may appear that can be so arranged, be funded, and that new bonds be issued for the amount of these, and of the bonds already issued, bearing date 1st April or May next, and having 20 years to run, the interest payable annually, and such as are given for bonds already issued, to bear the same interest as those they redeem, but the bonds given in settlement of coupons to bear an interest of 6 per cent. only.

That the city square, and such other unimproved property as will produce \$200,000, if sold on ten or twenty years' time, be so disposed of, payable in ten annual installments, commencing in ten years from the date of sale, with interest at 6 per cent., payable annually, mortgages to be given to secure the payments, and an obligation to improve the property within some given period.

That these mortgages and other city property be assigned in trust to secure the payment of the bonds.

That it be recommended to the boards of aldermen and common council, to pass an ordinance requiring the receipts and payments in the transactions of the corporation to be made to and from the city treasury, in current bank notes,

on and after the 1st day of April next, and requiring the authorities to make arrangements for the payment from their receipts, of the interest upon the city debt for the ensuing year.

That a memorial be drawn and presented to the legislature at its next annual session, making it obligatory on the corporation of the city to reserve and set apart from the annual tax on real estate, the sum of \$12,000 dollars each year, for twenty years, and at the close of each municipal year to appropriate the same in payment of the bonds now given by the city ; making it obligatory likewise, to use said taxes on real estate for no other purpose, besides the one last mentioned, than for police expenditures and repairs of streets ; making it obligatory, also, to set apart and appropriate each year so much as may be necessary of all other revenue, for the payment of the interest due on the city bonds ; making it obligatory, likewise, to set apart and use for no other purpose, the \$200,000 received from the sales of property, than in payment of the above mentioned bonds. Said obligation, in reference to the sinking fund for the payment of bonds, to be void only by a payment or a liquidation of said bonds, should it be in the power of the corporation to liquidate them at an earlier period than the twenty years named.

The committee have to observe, in presenting this plan, that the sum of \$12,000 each year, with the avails of sales of city property to the amount of \$200,000, will, at the end of twenty years, extinguish the city debt.

The operation of the resumption of cash payments the ensuing year is presented in the following statement :

The property tax for the ensuing year, or 1842, amounts to	\$75,000 00
Other revenue computed upon the present year,	- - 50,000 00
Interest on the sale of property of \$200,000, at 6 per cent.,	12,000 00
	\$137,000 00
Making receipts in the treasury for 1842, - - -	\$137,000 00
The corporation will have to provide	
for interest on bonds to amt.	
of \$550,000 00 at 7 per cent.	\$38,500 00
On 100,000 at 6 per cent. - -	6,000 00
	\$44,500 00

"IMMEDIATE LIABILITIES."

City orders estimated outstanding		
at close of the municipal year,	\$25,000	00
Individual accounts, balances,	-	5,000 00
Corporation change bills to be		
redeemed,	-	10,000 00
		<u>\$40,000 00</u>
Expenditures of the ensuing year		
estimated by those of the		
present year,	-	\$50,000 00
These may be reduced by cash pay-		
ments, the average of dis-		
count on orders, say 20 per		
cent,	-	10,000 00
		<u>\$40,000 00</u>
		<u>\$124,500 00</u>
Leaving a balance which may be expended on the streets		
in 1842, of	-	\$12,500 00

At the close of the ensuing municipal year, the city will be relieved of the amount of corporation orders and change bills, and her condition improved in the sum of \$40,000, which sum, less the sinking fund of \$12,000—say \$28,000, may so much reduce the property tax, or be expended in improving the condition of the streets while in the restored credit of the city, in the gradual extinguishment of the debt, and in the lessened payments of interest, the condition of the city thenceforth will be every year improving. The details of carrying out the measures for the ensuing year, must be left to the wisdom of future boards, but it may not be improper for this committee to suggest, that in succeeding years, two distinct sources of revenue be placed, as collected, in two different banks of the city, and only drawn for, as appropriated to the distinct objects of payment, by check of the mayor, countersigned by the treasurer, and that no checks be given at any time in advance of deposits, or but in necessary payments by orders, or by resolutions of the boards. The property tax to be placed in one bank, the other revenues as collected to be deposited in another.

These statements and views are submitted with great deference and respect to all who feel an interest in city affairs, and regard the common weal and public prosperity.

Our fellow citizens, we are aware, must desire some change in the financial condition of the city, and such a change as will protect its honor, reduce its expenditures, and provide for the ultimate extinguishment of its debts ; such a change as will prevent fraud or speculation, inspire a confidence in the future, and give a healthy moral tone to public sentiment in the improved and improving condition of the affairs of this city. That such will be the effect of the measures suggested by the committee. that they are the wisest and the best in the present embarrassed condition of the corporation, the committee have too great diffidence in their own ability and judgment to assert. They offer them for public consideration, for the mature reflection of all most deeply interested in the welfare of the city, and for public expression upon their propriety and probable results. In presenting them, the committee have no motive beyond the public good. Their period of service in the affairs of the corporation expires with this municipal year, and they have neither the desire nor the expectation of participation in the future management of city affairs. They deemed it important, now, while the opportunity and the aspect of city affairs were favorable to some important change, desirable and beneficial in the future, to present these statements, and these views, and they are respectfully submitted to their fellow citizens.

S. P. BULLARD,
WM. P. BROWN,
WILLIAM SAYRE,
L. GUERINGER,
D. HUBBARD.

March 2d, 1842.

[At the request of the mayor, aldermen and common council of the city, a meeting of the citizens of Mobile was held on the 7th of May, 1842, to devise means to relieve the city of its embarrassments. The result of which was that the mayor issued the following circular to the creditors of the city.]

MAYOR'S OFFICE, CITY OF MOBILE, }
November 14th, 1842. }

The unparalleled embarrassments that have pervaded the whole country have been severely felt by the city of

Mobile ; and to these have been added the calamities of fire and disease. Under circumstances thus aggravated, it has been utterly impracticable for the city to meet the annual payment of interest on its funded debt, its annual expenditures for police purposes, and the payment of a floating debt created by her necessities, and her annual expenditures. By economy, within a few years this floating debt has been nearly extinguished. The funded debt of the city, as represented on the books, stands as follows :

Bond for loans of 1830, on 20 years, due in 1850, at 8 per cent. int.,	\$30,000 00
“ “ “ 1836, “ 10 “ “ 1843, at 8 “ “	100,000 00
“ “ “ 1836, “ 20 “ “ 1856, at 8 “ “	10,000 00
“ “ “ 1836, “ 20 “ “ 1856, at 8 “ “	20,000 00
	<u>280,000 00</u>
“ “ “ 1834, “ 30 “ “ 1864, at 6 “ “	200,000 00
“ “ “ 1836, “ 20 “ “ 1856, at 6 “ “	24,000 00
“ “ “ 1839, “ 10 “ “ 1849, at 6 “ “	29,000 00
	<u>253,000 00</u>
	\$513,000 00
Coupons of interest now due on this, with other debt to be provided for, would not probably exceed the sum of	137,000 00
Making this class of the city debt the sum of	\$650,000 00

The city now holds a large amount of valuable property, which, at this period, could not be made available for the payment of the interest and other debts now due, but which at some future period would go far to the extinguishment of a large portion of the whole debt. On the 16th of *May*, 1840, the city made an assignment of all its property to seven trustees, for the benefit of its creditors. *This trust expires on the 16th of May next, ensuing*—and the trustees would be compelled to sell or lease said property in the intermediate time. The avails of such sales, at this period, would pay but little to the creditors. I am therefore instructed by resolutions of the boards of aldermen and common council, to propose to the creditors the following arrangement :—

That the bonds now held by them be exchanged for new bonds, bearing date _____ at twenty years, and bearing an interest of 5 per cent. per annum ; that the coupons for interest now due be funded, and bonds of a similar character, bearing the same date and the same rate of interest, be issued therefor. That these new bonds bear

an agreement for payment before maturity, as the city may provide therefor, in numerical succession, that is—No. 1 first, and so on. It is further proposed that an equation be made of interest on the bonds now held, by which the parties holding bonds at different rates may in the reduction of interest on the new bonds be placed on an equal footing. Beside the property *already assigned in trust, which may be re-assigned*, the following further security is proposed for the payment of annual interest, and the ultimate and progressive payment of the debt, viz. : an Act of the legislature now in session, the passage of which will now be asked, of the following purport :

SECTION 1. Providing for the purchase and holding of lands by alien creditors under sales made by the trust above mentioned, free from all claims of the State now or hereafter by reason of the alienage of such purchasers.

SEC. 2. Authority by the State for the issue of the new bonds above proposed.

SEC. 3. For the better security and payment of said bonds, an annual fund to be created and maintained by said city, of \$10,000, for which and for payment of the annual interest of 5 per cent., the taxes accruing on assessments of real estate shall be pledged—and said taxes not to be reduced below a rate sufficient to produce said annual fund and the annual interest, until the obligations created in pursuance of this Act shall have been paid.

SEC. 4. Provision for the payment by the collector of taxes annually to the Alabama Life Insurance and Trust Company, of sufficient amount for the purposes stated in the preceding section, and for the payment of interest and bonds, the latter in numerical succession, by said company.

SEC. 5. Provides power to levy additional taxes by granting licenses to all trades and professions.

SEC. 6. Providing power to levy a tax of $1\frac{1}{2}$ per cent. on auction sales, excepting sales under judicial proceedings, guardians, administrators' sales, &c.

SEC. 7. Providing power to assess a tax on public amusements, games, shows, exhibitions, &c.

SEC. 8. Providing that at the close of each municipal

year, all sums exceeding \$5,000, after defraying the necessary annual expenses, shall be paid over to the Alabama Life Insurance and Trust Company, and be by them applied to the payment of obligations created in pursuance of this Act in numerical succession.

SEC. 9. Providing that in case of default by the corporate authorities in any of the duties prescribed by this Act, the court of chancery, or any court having chancery jurisdiction in Mobile county, shall be open to all and every holder of obligations issued in pursuance of this Act, and full powers given to said court to enforce the performance of this Act, with powers to said court to appoint another depository upon a showing by the corporate authorities or the holder of any obligations of the city, that the Alabama Life Insurance and Trust Company is no longer a proper depository of the funds pledged.

SEC. 10. Providing that after the 1st of November, 1843, and after issue of the above mentioned obligations, the corporate authorities shall issue no city orders or promises to pay, transferable from hand to hand, nor enter into any contract for the payment of money, unless the means are specially provided for said payment at the period of making said contract.

SEC. 11. Provides for rules and regulations for the collection of newly raised taxes, and for the imposition of fines and penalties for violation of the provisions of this Act.

SEC. 12. Provides that corporate authorities shall be under no obligation to enforce or carry into effect the provisions of this Act unless three-fourths in amount of the creditors shall signify their assent to the proposed arrangement by written communication to the mayor on or before the 1st of April, 1843.

Such is the arrangement proposed, such the security offered for the future payment of interest and eventual payment of the debt. It is an effort made with the high and honorable purpose of meeting the payment of the debt and interest in good faith. It is considered that the security thus offered, in addition to the property pledged, the avails of which will be hereafter, as disposed of, appropriated to the

extinguishment of the debt, is ample compensation for a reduction of interest, so necessary to enable the city to meet with punctuality its new engagements, which will be created by the acceptance of this arrangement.

As the holder of some of the existing obligations of the city, your assent or dissent to the propositions herein made is desired as early as practicable. You will please state in your reply the amount of bonds or coupons for interest, held by you, or of which you have the control.

CHAS. D. HOPPIN,
Mayor.

[And the Act of the 11th of February, 1843, was adopted: To enable the Corporate Authorities of the City of Mobile to provide for the security and payment of the Debts of said City, and for other purposes.]

Right vested in certain purchasers of lands conveyed to secure debts of city.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all and every purchaser or purchasers of lands or interests in lands, conveyed by the corporate authorities of the city of Mobile, for the security of certain debts, by indenture, bearing the date, sixteenth day of May, A. D. eighteen hundred and forty, and recorded in the office of the clerk of the county court of Mobile, book No. 1, pages 284 to 291, inclusive,* and his or their heirs and

Resolution of the city to authorize the deed to secure debts.

* The following resolution passed the board of mayor and aldermen and common council on the fifteenth day of May, 1840: *Resolved,* That the deed of assignment to Wm. Jones, jr., James S. Deas, Thad. Sanford, H. V. Chamberlain, Edward Hall, Robert G. Gordon, and H. B. Gatherney, of the lands of the corporation, in the city and county of Mobile, be executed, and that Edward Hall, mayor of the city, be authorized to sign the same and affix the seal of the corporation thereto, and that he acknowledge the same in behalf of the corporation, and have it placed upon the records in the office of the clerk of the county court in this county, in the time provided by law.

(A TRUE COPY.)

JOHN P. RAMSEY,
Clerk Common Council.
H. P. ENSIGN,
Clerk Board Aldermen.

Deed of trust to secure debts, recorded in book No. 1, pages 284 to 291, in office of probate Judge of Mobile county.

STATE OF ALABAMA, }
MOBILE COUNTY. }

This Indenture, made and executed at the city of Mobile on this sixteenth day of May, in the year of our Lord one thousand eight hundred and forty, between the mayor, aldermen and common council of the city of Mobile of the first part, Wm. Jones, jr., Edward Hall, Thadens Sanford, James S. Deas, H. V. Chamberlain, Robt. G. Gordon, and H. B. Gatherney, of the second part, and all and singular the creditors of the party of the first or the third part, witnesseth: Whereas the parties of the first part are indebted in a large sum of money upon bonds issued by the mayor, aldermen and common council of the city of Mobile, upon which the interest is payable semi-annually, and which bonds are now held by third

assigns shall take and hold the same, with full power to alien and dispose of the same, freed and discharged of and from all claim that the State of Alabama now have, or may acquire by reason of the alienage of such purchaser or purchasers, his or their heirs or assigns.

SEC. 2. *And be it further enacted*, That the mayor, aldermen and common council of the city of Mobile may, for the payment of the debts now due and owing, by said city, issue the obligations of said city, under its corporate seal, in sums not less than \$100 each, bearing interest at

Obligations of city may be issued at 20 years, bearing 5 per cent. interest.

persons, and the interest upon some of which is in arrear, a statement of which debt is hereto attached, marked A, and whereas the parties of the first part are indebted for city orders issued for the payment of money, and which are unpaid in the sum of dollars or upwards, a correct account not having been kept, so that the amount may be ascertained, and whereas the parties of the first part are indebted to the boards of the sum of forty thousand one hundred and six $\frac{1}{10}$ dollars, and whereas the parties of the first part are further indebted in the sum of dollars, and whereas the revenues of the city are not adequate to the payment of the debts, and the parties of the first part have various parcels of land and other property which are unproductive and which ought to be applied to the payment of their debts, and whereas the interests of the creditors demands the sale of the said property; to the end therefore that a fair sale may be made of the said lands, and that a first distribution of the proceeds shall be made among the creditors, so that the amount of interest may be redeemed, and the parties of the first part, by the expenditures of the revenues, may be able to discharge the debt aforesaid after such reduction, and for and upon the consideration of ten dollars to us in hand paid, the parties of the first part have granted, bargained and sold, and by these presents do grant, bargain and sell to the parties of the second part, and the survivors and survivor of them, and their heirs and assigns of the survivor, the following parcels of land, in the city and county of Mobile, and of every part thereof, with all the appurtenances to any part or parcel thereof belonging, and the estates, right and titles. interest, claim and demand of the party of the first part, in and to the said parcels of lands, which parcels are bounded and described as appears in schedule B. hereto annexed, and this indenture further witnesseth that in pursuance of the considerations before mentioned the parties of the first part do grant, bargain and sell, and have granted, bargained and sold to the said parties of the second part and the survivors and survivor, and the heirs and assigns of the survivors, all and every parcel of lands, tenements or hereditaments in the city of Mobile, not hereintofore particularly described, of which they, the party of the first part, are possessed or interested in or entitled to, and all the estates, right, claim, interest and demand, in possession, reversion, or remainder of the said parties of the first part in and to the same, with all the rights and privileges thereunto belonging or in any wise appertaining, I have and hold the said premises and every part and parcel thereof unto the parties of the second part, and of the survivors and survivor, and the heirs and assigns of the survivors, for their proper use and behoof forever, and it is hereby agreed and declared, by and between and amongst all and every the said parties of these presents, that they, the said parties of the second part and the survivors and survivor and heirs of the survivor, shall and will be seized and interested in all and singular the said parcels of land, tenements and hereditaments upon the following trust, conditions and reservations: First, that the said parties of the second part and the survivors of them and their heirs of the survivors shall cause, in their all convenient speed, exercising a sound discretion for the benefit of the parties of the third part, to be exposed to public sale, in the city of Mobile, each and every parcel of land before mentioned in each parcel, and upon such terms as they shall deem most advisable for the promotion of the objects the said parties of the first part have in view: *Provided*, that the sale of the said property shall not be postponed beyond the first day of May, in the year of our Lord eighteen hundred and forty-three, and as sale shall take place before the parties of the second part shall have given notice by advertisement in at least two papers in the city of Mobile, twice a week for the space of three months, of the time and place, and terms

the rate of five per centum per annum, and redeemable in twenty years after the date thereof, or at any earlier period, at the discretion of said corporate authorities.

Annual fund
to be raised
for security
of creditors.

SEC. 3. *And be it further enacted,* That for the security of the holders of the obligations provided by this Act, and for the ultimate payment of the same, a fund not less than ten thousand dollars, to be called the annual fund, and to be annually applied as hereinafter provided, shall be created and maintained by the corporate authorities of said city, for which purpose, and for the annual payment of the interest on the obligations provided for by this Act,

of sale, but after the said sale shall have commenced, it shall and may be lawful for the parties of the second part and the survivors of them and the heirs of the survivor, to adjourn the same from day to day, or from time to time, giving such notice of their adjournments, as they may think needful and proper to insure the objects of this trust; and it is further declared that upon such sale the said parties of the second part shall be empowered to make titles to the purchaser, and to receive the purchase money or securities, and to give full receipts and acquittances to the purchaser thereof, and that the recitals in the deeds of the parties of the second part shall be evidence against the parties of the first part and those claiming under them, and the object of these rules being to pay the debts of the said parties of the first part, which are now due or which are bearing interest and running to maturity, it is hereby declared that at any such sale it shall be lawful for the parties of the second part, to accept from any purchaser of said lands, in payment for the purchase money of his purchase, any of the bonds of this city mentioned in the schedule hereto annexed, and any coupons belonging to the same which are due and which remain unpaid, and they are further authorized to receive in payment as aforesaid any orders or other securities of the parties of the first part or their predecessors or which have been issued under their authority acknowledging the existence of any debts: *Provided,* the said parties of the second part and the survivors of them and the heirs of the survivor, shall satisfy themselves that the said debt is really and bona-fide due before the titles are executed in favor of such purchasers, and the said parties of the second part may sell the said lands upon a credit, if it shall be found by them most favorable to the interests of the parties of the third part, upon inquiry of such terms as they may have an opportunity to consult, taking such securities for the payment of the debt and interest on the same, and such provisions for the improvements as may be necessary and effectual for the due performance of the sales aforesaid and the completion of the titles, the said parties of the second part and the survivors of them and the heirs of the survivor shall dispose of the proceeds of the sale, in the first place to pay such necessary expenses incurred in and about the execution and fulfillment of these trusts: *Provided,* that the fixing of the rates of compensation for agents, and such other accounts as may arise in the execution of these trusts, shall be submitted to the parties of the first part, whose decision upon the same shall be fixed and conclusive, and that no payment shall be made, but in pursuance of their order. Secondly, that after the reservation of the amount necessary to cover expenses of the trust, the said parties of the second part shall deliver up to the parties of the first part to be canceled, any bonds, orders, or evidences of debts they may have received upon any such sale as aforesaid, and the balance of the purchase money, or securities taken in discharge of the purchase money shall be divided among such of the creditors of the said parties of the first part, hereinbefore specified, as shall agree to take the same at par in payment of the debts heretofore specified, of the parties of the first part, or if the securities and money aforesaid shall be unequal to the payment of this whole claim of creditors, then ninety days shall be allowed for the creditors to come in after the sale and notify the parties of the second part of their intentions, and if the money and securities aforesaid shall not be exhausted by the creditors who shall agree to receive them on the terms aforesaid, then the parties aforesaid of the second part shall cause the same to be applied among the creditors aforesaid, first in payment of

the taxes accruing from the assessments by the said corporate authorities, on the real estate within the said city, shall be, and are hereby pledged and appropriated, and said assessments on real estate shall not be reduced below a rate sufficient to produce the annual interest, and the annual fund of ten thousand dollars, so long as the obligations of the said city, issued in pursuance of this Act, or any por-

the arrearages of interest that are due upon any portion of the bonds aforesaid; secondly in the payment of the floating debt aforesaid, consisting of orders, titles and acknowledgments of debts; and in the third place in providing for the payment of the bonds aforesaid in the order in which they may become due and payable; fourth in the payment of any other debts that may be due and owing, from the parties of the first part or their predecessors, on any account whatsoever; and lastly that the balance shall be paid over to the parties of the first part. *And it is further provided*, that if either of the said trustees shall resign, die or refuse to act, that the remainder of the said trustees shall apply to the chancellor of the southern chancery divisions at the court of chancery holden in the city of Mobile, for the appointment of successors to such, and that notice of the application shall be given to the parties of the first part, and the trustees to be appointed by said chancellor shall be vested with all the rights and shall perform all the duties, and their acts shall be as valid and effectual as if their names were inserted in lieu of the parties whose place is so supplied, and a majority of the trustees shall be competent to act, and all acts done by a majority and all deeds and conveyances executed by them, shall be as good and effectual to pin the estates and to bind the parties of the first part in the same manner and extent as if each and every of the parties of the second part had concurred therein; and it shall be the duty of the said survivors or of those who shall accept the office hereby created, or of the trustee who shall so resign, to make good and valid assurances and conveyances to the trustees who may be appointed in manner aforesaid, so that the same estate shall be vested in them as in the several parties of the second part, and until the trusts aforesaid shall be fully fulfilled, the object of these parties is, by the means aforesaid, to continue seven persons, who shall be vested with equal interest in the said property, and who shall have the same power in regard to the disposition of the same as auditors for other stipulated and equal, that the said parties of the second part may lease a portion of the said property, for a term of years, or may raise money upon a mortgage of the same, if they discover that a sale will not be beneficial to the parties of the third part; and the rents from said property so leased and the money raised by such mortgage, shall be applied to the payment of the debts aforesaid, in the order in which the other moneys are to be applied under these presents. But it is hereby declared to be the leading object of these presents to provide for the sale of said property, that the debts aforesaid may be fully paid, and that the exercise of the last mentioned powers of lease and mortgage shall not be made unless the said parties of the second part shall be satisfied that the same is to the interests of the said parties, and that the fulfillment of the objects of these presents will be advanced thereby. In testimony whereof the said parties of the first part have caused their seal to be affixed to these presents by Edward Hall, he being specially authorized by them the same so to do this day of May, in the year of our Lord eighteen hundred and forty, and the parties of the several parts hereby testify their acceptance of the trustee and assent to these presents, this sixteenth day of May, in the year of our Lord eighteen hundred and forty.

Witness:

S. P. BULLARD,
JOHN P. REMY.

EDWARD HALL, [SEAL.]

Mayor.

Witness:

S. P. BULLARD,
JOHN P. REMY.

EDWARD HALL, [SEAL.]

H. V. CHAMBERLAIN, Do.

WM. JONES, JR., Do.

T. SANFORD, Do.

R. G. GORDON, Do.

H. B. GATHERMEY, Do.

tion thereof, shall remain unpaid: *provided*, the power to tax real estate in said city shall not exceed the present rates of taxation.

Duty of city tax collector.

SEC. 4. *And be it further enacted.* That it shall be the duty of the collector of taxes of the said city, for the time being, to pay over, from time to time, as the taxes aforesaid may be collected, to the Alabama Life Insurance and Trust Company, so much of the said taxes as may be sufficient to produce the interests due on said obligations, according to their tenor and effect; and also the said annual fund of

Acknowledgment of deed.

Before me, clerk of the county court for Mobile county, came Ed. Hall, mayor of the city of Mobile, and produced a resolution of the mayor, aldermen and common council of the city of Mobile, authorizing and empowering him to execute the foregoing deed, which resolution is in the words following: "*Resolved.* That the deeds of assignment to Wm. Jones, jr., John S. Deas, Thad. Sanford, H. V. Chamberlain, Edward Hall, R. G. Gordon, and H. B. Gathermey, of the lands of this corporation in the city and county of Mobile be executed, and that Ed. Hall, mayor of this city, be authorized to sign the same and affix the seal of the corporation thereto, and that he acknowledge the same in behalf (of the corporation and have it placed on the records in) office of the clerk of the county court in this county, in the time prescribed by law." Whereupon the said Edward Hall acknowledges that the seal of the corporation is affixed to said deed, and that the same is the actual deed of said corporation, and executed by the said corporation in the manner set forth in the said resolution, this nineteenth day of May, eighteen hundred and forty.

WM. TAYLOR, *Clerk.*

Schedule A of deed of debts.

SCHEDULE A.

City bonds issued for loans of 1831, " " " at twenty years, due 26th of Aug., in 1850, bearing interest at _____ per cent., payable in Mobile the 26th of February and August.....	\$30 000
Of 1834, " " " at thirty years, due the 1st of November, in 1864, bearing interest at 6 per cent., payable in New York the 1st of May and November.....	\$200 000
Of 1836, " " " at ten years, due the 1st of February, 1846, bearing interest at 8 per cent., payable in Mobile the 1st of February and August.....	\$190 000
Of 1836, " " " at twenty years, due the 1st of November, 1856, bearing interest at 6 per cent., payable in Mobile the 1st of May and November.....	\$24 000
Of 1836, " " " at twenty years, due the 1st of November, 1856, bearing interest at 8 per cent., payable in Mobile 1st May and November.....	\$40 000
Of 1839, " " " at ten years, due in 1849, bearing interest at 6 per cent., payable in New York 1st of January and July.....	\$29 000

Schedule B of deed of lands.

SCHEDULE B.

To wit: that certain lot, piece or parcel of land, lying and being in the city of Mobile, on the east side of Conception street, between Dauphin and St. Francis streets, having a front on Conception street of sixty-three feet, and a depth of one hundred and thirty-three feet, bounded on the south by lands belonging to the city of Mobile, and the west by Conception street, on the north by lands of Benjamin Laurendine and of heirs of Pope Auguste, and on the east by lands of R. Kennedy, (Bernedy?) being the same lot of land conveyed to the mayor and aldermen of the city of Mobile, by S. H. Garow and J. G. Lyon, by deed bearing date the 4th day of February, A. D. eighteen hundred and thirty-six. Also, all that certain piece, parcel or lot of land situate, lying and being in the city of Mobile, on Conception street, having a front on said street of forty-eight feet and six inches, by a depth of forty-five feet and six inches, more or less, bounded on the west by said Conception street, on the north by land of Antonio Pinto, on the east by land

ten thousand dollars, to be applied to the payment of the principal sum due on said obligations; and it shall be the duty of the said Alabama Life Insurance and Trust Company, with the consent of said company, or in some other suitable place of deposit, to be selected by the mayor, aldermen and common council of Mobile, in case company shall refuse to receive it, to accept the taxes so paid over in trust for, and to be by them applied to the uses and purposes of this Act, and after paying the interest due on said obligations, the said company shall apply the annual

Duty of Ala-
bama Life
Insurance
and Trust
Company.

of the heirs of Isabella Collier, deceased, and on the south by lands of Bartholomew, being the same lot of land conveyed to the mayor and aldermen of the city of Mobile, by Benj. Laurendine, by deed being dated the second day of April, A. D., eighteen hundred and thirty-six. Also, all that certain lot, piece, parcel or tract of land, situate, lying and being in the city of Mobile, and bounded and divided as follows, to wit: on the west by Conception street, on the north by St. Francis street, on the east by lands lately claimed by William Ballard, and on the south by lands lately claimed by Benjamin Laurendine, having a front of forty-four feet six inches on St. Francis street, and forty-eight feet front on Conception street, being the same lot of land conveyed to the mayor and aldermen of the city of Mobile, by Antonio Pinto, by deed bearing date the thirteenth day of August, A. D. eighteen hundred and thirty-six. Also, that certain lot, piece or parcel of land situate in the city of Mobile, on the south side of St. Francis street, between St. Joseph and Conception streets, having a front on St. Francis street of thirty-three feet eight inches, and running back one hundred and forty-six feet in depth, bounded on the west by land now or lately belonging to the estate of Simon Cardeace, on the south by lands of Catherine Durand, and on the east by lands of Zeno Chartang, and on the north by St. Francis street, being the same lot or parcel of land conveyed to the mayor and aldermen of the city of Mobile, by Charles Batre and Adolph Batre, by deed bearing date the third day of February, A. D. eighteen hundred and thirty-six. Also, all that certain piece, parcel or lot of land, situate, lying and being in the city of Mobile, bounded as follows, to wit: on the north by St. Francis street, on the west by property lately of Messrs. C. and A. Batre, on the east by lands lately of Seaborn Travis, having a front on St. Francis street, of thirty-five feet, more or less, by a depth of one hundred and forty-five feet, more or less, between St. Joseph and Conception streets, being the same lot or piece of land conveyed by the mayor and aldermen of the city of Mobile, by L. Chartang, by deed bearing date the thirty-first day of March, A. D. eighteen hundred and thirty-six. Also, all that certain piece, parcel or lot of land, lying and being situate in the city of Mobile and State of Alabama, bounded and described as follows, to wit: bounded on the east by St. Joseph street, on the north by St. Francis street, on the west by lands now or lately belonging to Zeno Chartang, and on the south by a lot of land heretofore conveyed to Hedenburg and Ward, said hereby granted or intended to be granted lot of land having a front on said St. Joseph street, of one hundred and six feet four inches, by a depth of one hundred and sixteen feet, more or less, being the same lot or piece of land conveyed to the mayor and aldermen of the city of Mobile, by Jotham Clarke, by deed bearing date the second day of February, eighteen hundred and thirty-six. Also, all that certain lot, piece or parcel of land, situate in the city of Mobile, on the west side of St. Joseph street, between Dauphin and St. Francis streets, having a front of forty feet on St. Joseph street, by a depth of one hundred and nine feet, more or less, with the same width in rear as in front, bounded on the north by lands of the heirs of R. Bebody, on the east by St. Joseph street, and on the north by lands now or lately of Jotham Clarke, being the same property conveyed by Jotham Clarke, to Abraham D. Hedenburg and Mark A. Ward, and by them conveyed to the mayor and aldermen of the city of Mobile, by deed bearing date the eleventh day of February, A. D. eighteen hundred and thirty-six. Also, all that certain piece, parcel or lot of land, situate, lying and being in the city of Mobile, on St. Joseph street, having a front on said street of forty feet, more or

fund of ten thousand dollars, annually, to the payment in full of said obligations, according to the numerical succession, that is, paying the obligation numbered one first, and so on, until the whole shall be paid in regular numerical succession.

SEC. 5. Repealed.

City may
levy tax on
auction sales

SEC. 6. *And be it further enacted*, That the corporate authorities aforesaid shall have power to levy and assess a tax not exceeding one and one-half per centum on the amount of all auction sales made within the said city, except

less, by a depth of one hundred and thirty feet, more or less, bounded as follows, viz.: on the east by St. Joseph street, on the north by lands lately of Hedenburg and Ward, on the south by lands of John F. Everett, and on the west by lands of the corporation, being the same lot or piece of land conveyed to the mayor and aldermen of the city of Mobile, by Catherine Durand, by deed bearing date the first day of March, A. D. eighteen hundred and thirty-six. Also, all that certain lot, piece or parcel of land, situate, lying and being in the city of Mobile, on the west side of St. Joseph street, having a front of ninety-six feet on said street, bounded as follows, that is to say: on the south by lands lately belonging to John Herpin, Diego McVoy, Dr. Martin McVoy and John B. Herpin, on the east by St. Joseph street, on the north by lands late of Requite Bemody, and on the west by lands of the city of Mobile, and running back from St. Joseph street on the north line of said lot hereby conveyed, one hundred and eighty-seven feet eight inches, and on the south line one hundred and eighty-seven feet six inches, being the same parcel or lot of land conveyed to the mayor and aldermen of the city of Mobile, by John F. Everett, by deed bearing date the fourth day of February, A. D. eighteen hundred and thirty-six. Also, that certain lot, piece or parcel of land, situate, lying and being in the city of Mobile, described as follows: beginning at the north-west angle of the intersection of Dauphin and St. Joseph streets, and extending westwardly on the north side of Dauphin street, sixty-five feet, more or less, and northwardly on the west side of St. Joseph street, seventy-five feet, more or less, it being the same lot conveyed to the mayor and aldermen of the city of Mobile, by John Herpin, by deed bearing date the third day of February, A. D. eighteen hundred and thirty-six. Also, all that certain lot, piece or parcel of land, situate, lying and being in the city of Mobile, on the north side of Dauphin street, between St. Joseph and Conception streets, having a front of fifty-two feet on Dauphin street, and running back seventy-two and a half feet, bounded on the east by lands lately of John Herpin, on the west by lands lately of John F. Everett, Esq., being the same lot or parcel of land conveyed to the mayor and aldermen of the city of Mobile, by Martin McVoy, by deed bearing date the third day of February, A. D. eighteen hundred and thirty-six. Also, all that certain lot, piece or parcel of land, situate in the city of Mobile, on the north side of Dauphin street, between St. Joseph and Conception streets, having a front on Dauphin street of fifty-two feet, and running back in depth seventy-two feet and a half, more or less, bounded on the east by lands lately of Martin McVoy, on the west by lands lately of John B. Herpin, and on the north by lands lately of John F. Everett, Esq., being the same piece or lot of land conveyed to the mayor and aldermen of the city of Mobile, by Diego McVoy, by deed bearing date the third day of February, A. D. eighteen hundred and thirty-six. Also, all that lot, certain piece or parcel of land, situate, lying and being in the city of Mobile, on the north side of Dauphin street, between St. Joseph and Conception streets, having a front of thirty feet on Dauphin street, bounded on the east by lands lately of Diego McVoy, jr., on the north by lands claimed by the heirs of Diego Alvarez deceased, and on the west by lands formerly claimed by the heirs of James Durand, being the same lot of land conveyed to the mayor and aldermen of the city of Mobile, by John B. Herpin, by deed bearing date the third day of February, A. D. eighteen hundred and thirty-six. Also, that piece or parcel of land situate at the south-east corner of Dauphin and Conception streets, in the city of Mobile, and described as follows, viz.: commencing at a stake placed at the edge of the building now standing upon the said

sales under judicial proceedings ; guardians', executors', and administrators' sales, and sales of property under the provisions of deeds for the security or payment of debts.

SEC. 7. Repealed.

SEC. 8. *And be it further enacted*, That the corporate authorities aforesaid shall have power to assess and collect a tax, not exceeding twenty cents upon every hundred dollars of property sold upon the wharves of the city of Mobile, or on ship-board, or otherwise, before the same shall be stored : *provided*, this section shall not be construed to

Tax may be collected on sales of property on the wharves.

Proviso.

corner, thence running north 22° west, eight feet two inches, to a stake on the old line of Dauphin street, thence running south 68° and a half, west thirty-seven feet six inches, to the old corner of Dauphin and Conception streets, thence running south 20° and forty-five minutes east, eighty-two feet to a stake, thence running north 68° and a half east three feet seven inches to a stake on the edge of the aforesaid building, thence running north 21° 51 minutes west seventy-three feet and four inches to a stake at the corner of the building aforesaid, thence running north 68° east thirty-four feet and seven inches to the place of beginning ; the said piece of ground being bounded on the north by Dauphin street, on the west by Conception street, and south and east by property belonging to Antonio Pinto, being the piece or lot of land remised, released and forever quit claimed unto the mayor and aldermen of the city of Mobile, by John Herpin, by a certain deed bearing date the second day of September, A. D. eighteen hundred and thirty-three. Also, all that certain tract or parcel of land, lying south-westwardly of the present settled parts of the city of Mobile, beginning at the red cedar post on the south line of the new burying ground, due north of a certain pine tree marked and blazed as the western boundary of said tract of land, running eastwardly with the line of said burying ground on said line extended one and a half acres front on said line north and southward so far as to include three acres of ground in a square piece. And also one other tract or parcel of land lying north-westwardly of the present settled part of the city, beginning at a certain cedar post on the north-west corner and running east one and a half acres and south to include three acres of ground in a square piece, said last mentioned tract of ground being the same land conveyed to the mayor and aldermen of the city of Mobile, by William E. Kennedy and Joshua Kennedy, by deed bearing date the tenth day of May, A. D. eighteen hundred and twenty. Also, all that piece or parcel of ground in the said city of Mobile, which now forms that part of Theater street situate east of Water street, with the appurtenances unto the said piece or parcel of ground belonging or appertaining, being the same piece or parcel of ground that was leased to John Luiger and William Taylor, jr., the full term of fourteen years, by a deed bearing date the seventh day of January, A. D. eighteen hundred and twenty-six. Also, all that certain tract of land known as the south-east quarter of section No. 15, and the north-west quarter of section No. 24, township No. 4, range No. 2 west, south of the thirty-first degree of N. L., supposed to contain three hundred and twenty acres, being that certain tract of land purchased of the U. S. government, of which purchase John H. Owen, receiver of public moneys at St. Stephens, Alabama, gave a certificate dated the thirtieth day of April, A. D. eighteen hundred and thirty. Also, all that tract of land contained in the east half section No. 12, in township No. 4, of range No. 2, and the south-west quarter of section No. 7, in township No. 4, of range No. 1, being the same tract of land purchased of the U. S. government, of which purchase John H. Owen, receiver of public moneys at St. Stephens, Alabama, gave a certificate, dated January the twenty-fifth, A. D. eighteen hundred and thirty-one, for which said lands Abner S. Lipscomb executed his certain instrument of release and quit claim to the mayor and aldermen of the city of Mobile, bearing date the twentieth day of December, A. D. eighteen hundred and thirty. Also, that certain indenture of mortgage executed by the Mobile school commissioners, to the mayor and aldermen of the city of Mobile, bearing date the seventeenth day of March, A. D. eighteen hundred and thirty-five, and recorded in the office of the clerk of the county court for Mobile county, in book D. page twenty-one, and all that message be in said indenture mentioned and described by either, with all the

allow any assessment on cotton, or other staple production, imported into said city from the interior of the State of Alabama or Mississippi.

How city may contract or create debts, or purchase property.

SEC. 9. *And be it further enacted*, That the corporate authorities of the city of Mobile, after the passage of this Act, shall not be permitted to purchase real estate, or borrow money, or create any sum for purposes of profit or improvement, without a concurrence of the mayor, and boards of aldermen and common council, at their regular meetings, upon a full attendance of all the members of both boards, at a time when there shall be no vacancy in either, and none dissenting to the Act, which facts shall all appear on the minutes of the corporation, and any contract made in violation of this Act shall be wholly null and void, incapable of being ratified or confirmed, except in the manner hereinbefore specified.

Tax on public exhibitions, games and amusements.

SEC. 10. *And be it further enacted*, That the corporation authorities aforesaid, shall have authority to assess a tax on any public balls, shows, exhibitions, theatrical entertainments, billiard-tables, nine-pin alleys, ten-pin-alleys, bowling alleys, and any and every other public game, or public places of amusement, and the amount of taxes provided for by this section shall be fixed and determined by the mayor and the presiding officers of the boards of aldermen and common council as hereinbefore provided.

Surplus of each year to be paid to Alabama Life Insurance and Trust Company.

SEC. 11. *And be it further enacted*, That at the close of each municipal year, if any surplus exceeding the sum of five thousand dollars shall remain in the treasury of said city, after defraying the necessary expenses thereof, the same shall be paid over by the mayor of said city, by his warrant on the treasury of said city, countersigned by the presiding officers of the boards of aldermen and common council, to the said Alabama Life Insurance and Trust Company, or other depository selected as aforesaid, to be by

rights, numbers and appurtenances thereunto belonging, and all the right, title and interest therein, and also the debts to the said mayor and aldermen thereby secured, and the interest therein accruing to the said mayor and aldermen of the city of Mobile, belonging, subject nevertheless to the right and equity of redemption of the aforesaid Mobile school commissioners, and their successors, and also, all that property known as the city water-works, together with the pipes and appurtenances thereto belonging.

them held and applied in the same manner as is hereinbefore provided for the application of the annual fund, that is to say, to the payment in full of the obligations issued in pursuance of this Act, in numerical succession.

SEC. 12. *And be it further enacted,* That in case of the default of the corporate authorities aforesaid, in any of the duties prescribed by this Act, the court of chancery for Mobile county, or any court having chancery jurisdiction within the county aforesaid, shall be open to all and every of the holders of the obligations issued in pursuance of this Act, and full powers are hereby given to said court, to enforce the specific performance of the provisions of this Act, and the said court shall have full power to appoint another depository of funds provided for by this Act, whenever it shall be made to appear upon the application of the corporate authorities of the city of Mobile, or of any holder of bond or bonds, provided for by this Act, that the said Alabama Life Insurance and Trust Company, or other depository, is no longer a proper depository of the said funds.

SEC. 13. *And be it further enacted,* That from and after the first day of November, A. D. one thousand eight hundred and forty-three, and after issuing the obligations provided for by this Act, it shall not be lawful for the corporate authority aforesaid to issue in any assignable form whatsoever, any bonds, promises to pay, or city orders, or any form whatsoever of promises to pay, transferable from hand to hand, nor to enter into any contract for the payment of money, unless the means for the payment of the money so contracted to be paid, shall be specially provided at the time of making such contract.

SEC. 14. *And be it further enacted,* That full power and authority is hereby given to the corporate authorities aforesaid to establish such rules and regulations for the collection of the dues, taxes and revenues hereby provided, and to use all lawful process and proceedings, which they may deem requisite to enforce the same; and also to impose such fine or penalty for the violation of any provision of this Act, as they may deem requisite, and such fine or penalty shall be recoverable in the name of the mayor,

Remedy
against cor-
poration for
default.

Prohibitions
after first
Nov., 1843.

Shall not
issue obliga-
tions, nor
contract
debts unless
means pro-
vided for its
payment.

Powers in
collection of
dues.

aldermen and common council of the city of Mobile, before any tribunal having competent jurisdiction.

Act, how carried into effect.

SEC. 15. *And be it further enacted*, That the corporate authorities of the city of Mobile shall be under no obligation to enforce or carry into effect the provisions of this Act, unless three-fourths in amount of the creditors of said city signify their assent to the same, by written communication to the mayor of said city by or before the 1st day of April, A. D. one thousand eight hundred and forty-three.

Restriction.

SEC. 16. *And be it further enacted*, That after the passage of this Act, it shall not be lawful for the members of the boards of aldermen and common council to make any contracts with the corporate authorities to do any work or perform any service for the same, nor shall any appropriation be valid that shall be made for this.

Appropriation of funds to be ratably divided to the wards.

SEC. 17. *And be it further enacted*, That in the expenditures of the funds of the said city derived from taxation, the mayor, aldermen and common council shall have a proper regard to the appropriation of the same to the improvement of the different wards of said city, in proportion to the amount of taxes paid by each ward.

APPROVED, 11th February, 1843.

S. P. Bullard, commissioner under Act of 1843. Report of was examined by committee of boards. Report of committee.

Under the Act of 1843, S. P. Bullard was appointed commissioner to find the debt he reported Oct. 17th, 1843. July 23d, 1844, a committee was appointed to examine the report; Hindman Barney, from council, Solimon I. Jones, from aldermen, who reported Oct. 15th, 1844, that the new bonds issued by Mr. Bullard, as per his book of record, amount to \$706,191 18, being for 469 bonds each for \$1000, \$469,000; 6 bonds each \$5000, \$30,000; 80 bonds each for \$100, \$8,000; amount of coupons and interest due on the above, and also equation of interest, \$199,191 18. This statement is to 8th July, 1844, agreeably to Mr. Bullard's letter of that date, addressed to his Hon. the mayor. There are yet outstanding fourteen of the old bonds, each for \$1,800, and also some of the small bonds, each of \$100. The amount of the latter must, however, be small. It is probable, that when the whole debt of the city is settled, the amount will be \$725,000.

AN ACT authorizing Justices of the Peace in the City of Mobile to hold their offices and transact business without the limits of their proper beats.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all justices of the peace who have been, or shall hereafter be elected within the limits of the city of Mobile, shall, and may be authorized to reside, hold their office, and transact official business in any captain's beat, within the limits of said city, any law to the contrary thereof notwithstanding.

Justices of the peace in city may reside, hold office, &c. in any captain's beat within the city.

APPROVED Feb. 4, 1840.

AN ACT to regulate the Fees of Constables in the City of Mobile. *

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That, in lieu of the fees now allowed by law, it shall be lawful for constables to demand and receive for services to be rendered within the city of Mobile, the fees hereinafter mentioned :

Constable's fees.

	Rate of fees
For serving summons in civil cases, -	seventy-five cents.
For each search or State's warrant, - - -	one dollar.
For levying an execution, - - - -	seventy-five cents.
For carrying persons to jail, or releasement, -	fifty cents.
For serving notice required by law, - - -	fifty cents.
For serving capias or bail warrant, - - -	one dollar.
For serving writs of seizure in admiralty, - -	one dollar.
For monition, - - - - -	one dollar.
For making money on each execution,	seventy-five cents.
For levying distress warrant, - - - - -	one dollar.
For taking bail and furnishing bond in all cases required by law, - - - - -	one dollar.
For summoning each witness, - - - - -	thirty cents.
For summoning jury for coroner, or other purpose, - - - - -	two dollars.
For levying attachment, - - - - -	seventy-five cents.
For whipping slave, to be paid by the owner,	one dollar.
For attending and serving as bailiff in court, for each day, - - - - -	one dollar and fifty cents.
For keeping property levied on, such sum as the justice	

believes just and reasonable, out of the money in the hand of said constables, arising from the sale of said property, or received by reason of said levy.

For arresting deserting seamen, the same as is now allowed by law.

APPROVED 31st January, 1846.

AN ACT for the better securing Mechanics in the City and County of Mobile.

Mechanics. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this Act, every mechanic, workman or other person, doing or performing any work towards the erection, construction or furnishing of any building in the city or county of Mobile, or may have furnished materials of any description for said building, erected under a contract in writing or otherwise, between the owner and builder, whether such work shall be performed as journeyman, laborer, cartman, sub-contractor or otherwise, and whose demand for work and labor done and performed, or materials furnished towards the erection of such building, has not been paid and satisfied, may deliver to the owner of such building an attested account of the amount and value of the work and labor thus performed, or materials furnished, the amount unpaid thereupon. Such owner shall retain out of his subsequent payments to the contractor the amount of such work and labor, or materials, for the benefit of the person so performing the same.

Contract. SEC. 2. *And be it further enacted,* That whenever any account of labor performed on a building erected, or material furnished under a contract in writing or otherwise as aforesaid, shall be placed in the hands of the owner of such building, or his or her authorized agent, it shall be the duty of such owner or agent to furnish his or her contractor with a copy of such paper, in order that if there shall be any disagreement between such contractor and his creditor,

Arbitration. they may, by amicable adjustment between themselves, or by arbitration, ascertain the true sum due, and if the contractor shall not, within ten days after the receipt of such

papers, give the owner written notice that he intends to dispute the claim, or if, in ten days after giving such notice, he shall refuse or neglect to have the matter adjusted as aforesaid, he shall be considered as assenting to the demand, and the owner shall pay the same when due.

SEC. 3. *And be it further enacted,* That if any such contractor shall dispute the claim of his journeyman or other person, for work and labor performed, or material furnished, as aforesaid, and if the matter cannot be adjusted, amicably between themselves, it shall be submitted, on the agreement of the parties, to the arbitrament of three disinterested persons, one to be chosen by each of the parties, and one by the two thus chosen. And the decision in writing of such three persons, or any two of them, shall be final and conclusive in the case submitted. Arbitrators.
how chosen.

SEC. 4. *And be it further enacted,* That whenever the amount due shall be adjusted and ascertained, as above provided, and if the contractor shall not, within ten days after it is so adjusted and ascertained, pay the sum due to the creditor, with costs incurred, the owner shall pay the same out of the fund above provided; and which amount Payment. due may be recovered from the said owner by the creditor of the said contractor, in an action for money had and received to the use of said creditor, and to the extent in value of any balance due by the owner to his contractor, under the contract with him at the time of the first notice given as aforesaid, or subsequently accruing to such contractor under the same.

SEC. 5. *And be it further enacted,* That if, by collusion or otherwise, the owner of any building erected as aforesaid shall pay to his contractor any money in advance of the sum due on said contract, and if the amount still due the contractor, after such payment has been made, shall be insufficient to satisfy the demand, made in conformity with the provisions of this Act, for work and labor done, or materials furnished, the owner shall be liable to the amount that would have been due at the time of his receiving the Liability. account of such work, in the same manner as if no such payment had been made: *provided, however,* that no lien Proviso.

shall attach to any building for work done for any tenant occupying said building, unless said work shall be done by consent, in writing, of the owner of said building, or his authorized agent.

APPROVED December 9th, 1841.

AN ACT for the protection of Mechanics.

May have a
lien on arti-
cles made or
repaired.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all mechanics in the city of Mobile shall have a lien on all articles made or repaired by them in the shop until paid for making such article.

Sell work not
paid for.

SEC. 2. *And be it further enacted,* That if any article made or repaired shall remain for the space of five days after it has been made or repaired unpaid for, it shall be lawful for the mechanic who has performed the work to apply to any public auctioneer and have the article so made or repaired sold, on giving ten days' notice of the time and place of sale, selling for the amount of the lien.

SEC. 3. *And be it further enacted,* That it shall be the duty of the auctioneer selling any article under the provisions of the foregoing section to pay over to the mechanic for whose benefit such sale has been made, the amount of the lien on the article sold, and after deducting all charges, pay the excess to the person to whose order the work had been performed.

APPROVED February 2d, 1839.

AN ACT for the relief and protection of Ship-Carpenters, Ship-Joiners and others in the City and County of Mobile.

To have a
lien on work
done.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all ship-carpenters, ship-joiners, calkers and spar-makers, in the city and county of Mobile, shall have a lien on all articles or work put up, made or repaired

by them, in any ship, ship-yard, dock-yard, or at any other place within said city or county when work shall have been made, put up, or repaired, until paid for putting up, making or repairing the same, according to the terms of the contract therefor.

SEC. 2. *And be it further enacted,* That if any articles or work shall remain for the space of five days after it has been made, put up or repaired by any ship-carpenter, ship-joiner, calker or spar-maker, in the hands or possession of said ship-carpenter, ship-joiner, calker or spar-maker, unpaid for or unsatisfied according to the terms of the contract for said work, it shall be lawful for said ship-carpenter, ship-joiner, calker or spar-maker, who has made, put up or repaired the articles or work aforesaid, on giving ten days' public notice of the time and place of sale, to cause the articles so made, put up or repaired, to be sold by any auctioneer in the city of Mobile, selling for the amount of the lien, and such sale shall confer good title on the purchaser of any article so sold.

SEC. 3. *And be it further enacted,* That it shall be the duty of the auctioneer selling any article under the provisions of the foregoing section, to pay over to the ship-carpenter, ship-joiner, calker or spar-maker, for whose benefit such sale has been made, the amount of the lien on the article so sold, and after deducting all charges, pay the excess to the person on whose order and account the said work has been done: *provided,* the said ship-carpenter, ship-joiner, calker or spar-maker shall first file with some justice of the peace of the said county of Mobile, an affidavit of the amount due him for the work so made, put up or repaired by him.

APPROVED Feb. 4th, 1840.

AN ACT the more effectually to secure the Collection of Rents in the City of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That whenever any landlord, his agent

Landlord to
make com-
plaint on
oath.

or attorney, shall make complaint on oath to any justice of the peace in the city of Mobile, that any person or persons is or are indebted to him, for the rent of any tenement within the corporate limits of the said city, and shall enter into bond and security in four times the amount of the rent alleged to be due, conditioned to pay the said defendant all costs and damages he may recover for the wrongful or vexatious suing out the warrant hereinafter mentioned, it shall be lawful for the said justice of the peace to issue his warrant, returnable before him, not less than four, nor more than ten days from the time the warrant shall be issued, directed to any constable of said city, requiring him to seize and to take into his possession any goods and chattels belonging to the defendant which may be found in the tenement for which the rent shall be due, and the constable shall keep the goods and chattels so seized to answer the judgment which may be rendered by the justice of the peace in the cause, unless the debt shall be sooner paid, with all costs, and the justice of the peace, on the return of said warrant, shall proceed and render judgment according to the merits of the case.

Justices to
direct sum-
mons.

SEC. 2. *And be it further enacted,* That whenever the sum sworn to be due shall exceed the sum of fifty dollars, it shall be the duty of the justice of the peace to direct the same to the sheriff of the county of Mobile, and make the same returnable before the county or circuit court of the said county, which court shall proceed at the return term of said warrant, to render judgment in the said cause, and it shall be the duty of the said sheriff of the said county to proceed in the manner directed by the first section of this Act.

Defendant
may replevy
property.

SEC. 3. *And be it further enacted,* That the said defendant to the said warrant may replevy the property seized: *provided,* he enter into bond and security, payable to the plaintiff, in double the amount of the sum sworn to be due, conditioned to pay the judgment which shall be rendered against him or surrender the said property to the proper officer, and the said bond shall have the force and effect of a judgment, and execution may issue thereon, if

the property so replevined shall not be delivered to the proper officer within fifteen days after the rendition of judgment.

SEC. 4. *And be it further enacted*, That if any person shall wrongfully or vexatiously sue out such warrant, he shall be liable to pay to the defendant therein, treble damages, to be recovered by action on the case before any court having competent jurisdiction.

APPROVED, January 30, 1840.

To provide a more efficient Remedy in cases of Unlawful Entry and Detainer in the City of Mobile.

SECTION. 1. *Be it enacted, &c.*, That when any tenant or tenants of lands or tenements in the city of Mobile, who may have executed a lease, or investment in writing, creating or recognizing such tenancy, shall, after the expiration of the time provided in such lease or instrument in writing, hold over or detain the said lands or tenements, or any part thereof from the owner, his agent or attorney, forty-eight hours after demand made, on the complaint of the said owner, his agent or attorney, in writing, as now provided by law in cases of unlawful detainer and verified by the affidavit of the complainant, it shall be lawful for any justice of the peace in said city, before whom the complaint may be filed, to issue his warrant to the sheriff of Mobile county, directing him to put the complainant into possession of the said lands and tenements, which warrant shall be returnable in five days after the test thereof: *provided*, Powers of justices upon affidavit. that said warrant shall not issue till the sixth day after filing the complaint, nor until the defendant or defendants shall have had three days' notice of the complainant, and a copy thereof served upon him or them; *and provided*, Proviso. said warrant shall not issue unless the complainant, his agent or attorney, shall enter into bond payable to the party or parties complained against, with sufficient security, to be approved by the justice, in double the amount of rent reserved in the said lease or instrument in writing, con-

Remedy
against persons holding
over lease.

Powers of
justices
upon affidavit.

Proviso.

Proviso.

ditioned to pay the defendant or defendants, all costs and damage he, she or they may sustain, by the wrongful or illegal complaint of the plaintiff or plaintiffs.

Fees.

SEC. 2. *And be it further enacted*, That for his services in such proceedings, the justice shall be entitled to demand and receive of the complainant the sum of one dollar, and no more; and the sheriff, for his services, the sum of three dollars, and no more, for which costs execution may issue.

Proceedings may be removed to any court of record.

SEC. 3. *And be it further enacted*, That the defendant or defendants may remove the proceedings from the said justice of the peace, to the next term of any court of record having civil common law jurisdiction in the county, by certiorari: *provided* it be done within five days after service of copy of complaint on the defendant, and provided the defendant pay the costs already incurred, and give bond in double the amount of rent received in the lease, or instrument in writing, exhibited by the plaintiff, payable to said plaintiff, and with good security, to be approved by the judge granting the certiorari; conditioned to pay all costs and such damages as may be assessed by the jury trying the case in the court above; and the case in the court above shall be tried *de novo*, and the defendant may demur and plead to the complaint, as if it were an original cause in said court, and judgment shall be entered, and execution issue, as in cases of appeals.

Proviso.

Costs to be paid.

Bond given.

Writs of certiorari may be issued by who.

SEC. 4. *And be it further enacted*, That writs of certiorari, provided for in this Act, may be granted by any judge of the supreme court, or circuit court, or chancellor, or by the judge of the orphan's court of Mobile county.

Remedy in cases of unlawful detainer or unlawful or forcible entry and detainer.

SEC. 5. *And be it further enacted*, That in cases of unlawful detainer, or unlawful or forcible entry and detainer, occurring in the city of Mobile, other than that mentioned in the first section of this Act, and in cases where forfeiture of a lease, or a right of re-entry is claimed, by reason of the breach of any covenant or stipulation therein contained, and which, by the terms of said lease, is to work a forfeiture, or give a right of re-entry, the justice of the peace receiving the complaint (which shall be in form and manner as provided by the general law on the

subject of forcible entry and detainer) shall summon two other justices residing in said city ; and they three shall form a court for the trial of the cause without a jury : *provided* the party complaining, his agent or attorney, shall verify the complaint by affidavit : *and provided, further,* Proviso. that in cases where a forfeiture of the lease is claimed, or where a right of re-entry therein reserved is sought to be enforced, the party complaining shall give bond, payable to the defendant, in double the amount of rent reserved in said lease, with sufficient security, to be approved by the justice receiving the complaint, conditioned to pay the defendant all costs and damages the said defendant may sustain by the wrongful or illegal exhibition of said complaint.

SEC. 6. *And be it further enacted,* That the justice before whom the complaint specified in section five of this Act is made, shall forthwith issue a summons to the party complained of, requiring him to appear at a specified place, and at a time not exceeding five days from the test thereof, which shall be served and returned to the justice issuing the same, by the sheriff of the county, in the same manner as process from courts of record, and on the return day of said summons, the three justices shall proceed to hear and determine the cause upon the law and evidence provided, and their judgment shall be rendered in the form of a special verdict, finding the facts and the law thereon. Duty of justices of the peace upon complaint made.

SEC. 7. *And be it further enacted,* That the judgment and proceedings before the said justices may be removed to the next term of any court of record, having civil common law jurisdiction in the county by certiorari, provided it be done within five days after judgment is rendered, and provided the party appealing first pay the costs of the court below, and also enter into bond with good and sufficient security, to be approved by the judge granting the certiorari, in twice the estimated value of the yearly rent of the lands and tenements in controversy, or where a lease or instrument in writing has been executed by the defendant, in twice the amount of the rent therein reserved, payable to his adversary in the suit, conditioned as provided in the third section of this Act, and Judgment and proceedings before justices may be removed to court of record by certiorari.

the cause in the court above shall be tried *de novo*, and the defendant may demur and plead to the complaint as if it were an original cause in said court, and judgment shall be entered, and execution issue, as in cases of appeals.

Duty of justice issuing summons.

SEC. 8. *And be it further enacted*, That the justice issuing the summons shall preside at the trial of the cause below, and enter on his docket copies of the complaint, summons, returns of the sheriff, pleadings, and writ of restitution, and shall receive for so doing, ten cents for every hundred words, and in case of the removal of the cause to a higher court, shall furnish the clerk of such court a copy of the record, hereinbefore provided, and receive therefor the like compensation.

When writ of restitution may issue.

SEC. 9. *And be it further enacted*, That if, at the expiration of five days after the rendition of judgment below, excluding the day of the trial, no certiorari be allowed, in case the judgment be for the plaintiff, a writ of restitution directed to the sheriff, shall be issued by the presiding justice, directing him to put the plaintiff in possession of the property in controversy, which shall be returnable not more than six days from the test thereof, and execution may issue against the losing party for the costs incurred.

Fees of presiding justice.

SEC. 10. *And be it further enacted*, That for their services in the said proceedings, in addition to the fees hereinbefore allowed him, the presiding justice shall receive two dollars, and no more, the associate justices each one dollar, the sheriff three dollars, and the witnesses fifty cents per day, each.

General laws of unlawful detainer, &c., applied to like cases in Mobile.

SEC. 11. *And be it further enacted*, That whatever, by the general laws of this State, shall constitute an unlawful detainer, or unlawful entry and detainer, or forcible entry and detainer, when occurring in the city of Mobile, shall be cognizable under this Act, and when any tenant or tenants at will or at sufferance, for a part of a year, or one or more years, or any person claiming by, through or under them, or who shall take possession on their desertion or abandonment of the demised premises during their term, or before their delivery to the lessor, and every person who shall fail to pay his rent, according to the terms of his lease, or violate any of the conditions or pro-

visions of his lease, which are secured by a right of re-entry, or by a forfeiture of his term, or shall wilfully, and without force, hold over any lands or tenements, after forty-eight hours' demand and notice for the delivery of the possession thereof to his landlord, his agent or attorney, the person or persons so holding over shall be guilty of unlawful detainer.

SEC. 12. *And be it further enacted*, That all laws and ^{Repeals.} parts of laws relating to unlawful entry and detainer, and unlawful detainer and forcible entry and detainer, and providing remedies therefor, applicable to the city of Mobile, excepting only the general law of this State, on the said subjects, be, and the same are hereby repealed.*

APPROVED March 3d, 1848.

AN ACT approved January 17th, 1834, provides that the County Commissioners shall not have control of Roads within the City.

SEC. 7 *Enacts*, That the county court of Mobile county shall not have power to open or lay out any roads within the corporate limits of the city of Mobile, or apportion bounds on any road within the limits of said corporation.

AN ACT approved December 23d, 1836, provides for the Opening and Closing of the Polls in the City, at County Elections.

SEC. 3 *Enacts*, That from and after the passage of this Act, it shall be the duty of the sheriff of the county of Mobile to open the polls at every annual election in the city of Mobile, at eight o'clock in the morning, and continue the same open until six o'clock in the evening. And if the sheriff of said county shall fail to comply with this section, he shall thereupon forfeit and pay a fine of one hundred dollars, to be collected in the ordinary mode of enforcing fines against officers.

* See Code of Alabama, §§ 2850-2860.

By the Code of Alabama, Pilotage is regulated as follows :

Commissioners of pilotage, how appointed.

§ 899. Five persons must be appointed by the governor, upon the recommendation of the presidents of the several insurance companies of the city of Mobile, to be styled commissioners of pilotage of the bay and harbor of Mobile, who hold their office for the term of six years, and until their successors are appointed, and before entering upon the duties of their office, must take and subscribe an oath faithfully to perform the duties thereof.

On failure to nominate, governor to appoint.

§ 900. Should the presidents of such insurance companies, or a majority, fail for thirty days after the term of office of the commissioners expire, or upon the death, or resignation of any of them, to nominate to the governor suitable persons to fill the office, he must forthwith make such appointment, and should the governor fail for thirty days to make the appointment to fill a vacancy, it may be filled by the surviving members, and the person so appointed holds for the unexpired term of his predecessor.

Pilots, how licensed.

§ 901. The commissioners, or a majority of them, have power to grant licenses to persons to act as pilots, for either of the bars of the bay of Mobile, having ascertained their fitness by such inquiry and examination as they may be enabled to make, and upon the certificate of not less than three nautical men, appointed by them for that purpose, that the applicant is well acquainted with the pilot grounds, currents, etc., of the bay, and is qualified to manage and work vessels ; but not more than thirty pilots must be appointed for the lower bar of Mobile bay, and not more than ten for the bar of Dog river.

Certificate.

§ 902. The commissioners must give to every person appointed by them, a certificate of his appointment, which must be signed by a majority of the commissioners, or by their chairman, by their direction, requiring him previously to take and subscribe the following oath, which one of the commissioners may administer.

Oath of pilots.

I, A. B., do solemnly swear, (or affirm, as the case may be) that I will faithfully, and according to the best of my skill and judgment, perform the duties of a pilot for the

bay and harbor of Mobile, and will at all times, wind, weather and health permitting, use my best exertions to repair on board all ships or vessels which I shall see and conceive to be bound for, coming into, or going out of the harbor or bay of Mobile, unless I am well assured some other licensed pilot is then on board the same. That I will, from time to time, and at all times, make the best dispatch in my power, to convey safely every vessel committed to my charge, coming into or going out of the bay or harbor of Mobile, and will at all times well and truly observe, follow and fulfill, to the best of my skill and judgment, all such orders and directions as I may receive from the commissioners of pilotage, relative to all things appertaining to the duty of a pilot. That I will not be interested, directly or indirectly, in the earnings of more than two pilot boats, nor in the earnings of any combination or co-partnership of pilots, composed of more than ten pilots, nor will I be a member, at the same time, of more than one combination or partnership of pilots, so help me God.

§ 903. Before receiving his license, the pilot must make and deliver to the commissioners a bond, payable to the chairman of the board, and his successors in office, in the penal sum of two thousand dollars, with surety, to be approved by the commissioners, and with condition, faithfully to perform his duties as pilot, which must be renewed every six years.

Bond of pilots.

§ 904. The commissioners have power, and it is their duty to prescribe rules and regulations for the government of the pilots, and to prescribe the fees for their services. They may also impose such penalties for neglect of duty, not inconsistent with this law, as they may think proper.

Commissioners establish regulations and fees.

§ 905. The commissioner's may deprive any pilot of his license, for a wilful violation of his duties, or the orders or regulations of the commissioners, for negligently or carelessly losing or injuring any vessel in his charge, or when laboring under mental derangement, or so addicted to habits of intoxication as to be unfit to be intrusted with the charge of a vessel.

License, when revoked.

§ 906. Any pilot who fails to act as pilot for three months, or absents himself for ten days, at any one time,

Other causes of revocation.

from the bay or harbor of Mobile, without leave of said commissioners, or a majority of them, may be deprived of his license, and if, at any time, any vessel in the bay or harbor of Mobile is in charge of any civil officer, in virtue of process from any court of record of this State, and any pilot with knowledge thereof, conducts or pilots such vessel out of the bay or harbor of Mobile whilst in charge of such civil officer, such pilot forfeits his license, and is forever disqualified from acting as pilot, and also forfeits such sum as the jury shall assess.

Nearest vessel to be boarded.

Exception.

Penalty.

§ 907. Every pilot boat cruising or standing out to sea, must offer the services of a pilot to the vessel nearest the bar, unless a vessel more distant is in distress, under the penalty of fifty dollars for each and every neglect or refusal, either to approach the nearest vessel, or to aid her if required, or to aid any vessel in sight showing signals of distress, and the commissioners, or a majority of them, for such neglect or refusal, may deprive the pilot of his license.

Pilot bringing vessel in, has the right to take her out.

§ 908. The pilot who brings a vessel into port has the exclusive right to take her out, unless the master of such vessel proves to the satisfaction of the commissioners that such pilot misbehaved himself whilst in charge of the vessel, or has in the meantime been deprived of his license, and, in either case, another pilot may be employed. Any pilot having the right to take a vessel out of port may attend in person, or procure another person out of the pilot boat to which he is attached, to attend for him; but if he fail to attend, or substitute another in his place, the master of the vessel having given notice, as hereinafter required, of his intended departure, is at liberty to employ another pilot, who must, if not previously engaged, pilot the vessel out, and is entitled to the fee therefor.

Remedy for violation.

§ 909. Any person who pilots a vessel out, not being entitled to do so, is liable to the pilot who had the right for the amount due or paid for carrying the vessel out.

Fees, when due.

§ 910. A pilot who has brought a vessel into port, is entitled to his fees before her departure from port, to be paid in advance, or security given for the payment, and on failure thereof may refuse to carry the vessel out.

§ 911. Any person piloting, or conducting any vessel in or out of the bay of Mobile, or over any of the bars thereof, without a license as pilot, or who has forfeited or been deprived of his license, is entitled to no fee or reward for the service, and every such act is a misdemeanor, and, on conviction, such person must be fined one hundred dollars; but any person may assist a vessel in distress, without a pilot on board, if such person shall deliver up the vessel to the first pilot who comes on board and offers to conduct the vessel.

Penalty for piloting without a license.

§ 912. Any master of a vessel bearing towards the port or harbor of Mobile, except coasters and other vessels trading between the ports of Mobile, New Orleans, and Pensacola, who refuses to receive a pilot on board, is liable, on his arrival in the bay or harbor of Mobile, to pay the first pilot who offered his services outside the bar, and exhibited his license as pilot, if demanded by the master, one-half the rate of pilotage allowed a vessel of such draught.

Vessel refusing a pilot liable for half fees.

§ 913. The master of a vessel in readiness to leave, must, if practicable, give notice to the pilot who conducted his vessel in, of his intention to leave. Where personal notice cannot be given the following is a substitute: vessels lying in the lower bay must hoist a jack at the foremast head twenty-four hours before leaving. All vessels going down from Mobile shall bring the north end of Dauphin island to bear west before they are allowed to employ any other pilot or pilots than those who conducted them in.

Notice of sailing to be given to pilot.

§ 914. If the master of a vessel retain a pilot on board of his vessel, the wind and weather permitting her going to sea, the pilot is entitled to receive three dollars per day for every day he is so detained. If any master of a vessel carries off a pilot from the bay or harbor of Mobile, he must pay such pilot two dollars per day for every day he is absent, and supply him with such provisions as is usual for the maintenance of masters of vessels, and the master, as well as the owner, is liable for the same; but if such vessel has laid to for the space of four hours after crossing the bar, and no pilot boat appear to receive such pilot on board; no such claim shall be allowed.

Pay of pilot detained.

Carried out to sea.

Half rates if vessel crosses over bar without pilot.

§ 915. Whenever a vessel is crossing over, or is inside either of the bars of the bay or harbor of Mobile, it is at the option of the master to take or refuse a pilot. If the master requires a pilot he must indicate it by a signal, and the nearest pilot boat must furnish a pilot, and the pilot so officiating is entitled to one-half the rate of pilotage allowed for a vessel of such draught.

Any pilot refusing to board a vessel, whenever required as aforesaid, must be deprived of his license, and forfeits one hundred dollars.

§ 916. It is the duty of every outer bay pilot to deliver to the master of any and every vessel approaching the bay or harbor of Mobile, as soon as he can board such vessel, all letters which may be sent to him for that purpose, on the person who requires the delivery of such letters paying or securing to the pilot the sum of forty dollars for such service, unless the pilot so employed to deliver letters is engaged as pilot for the vessel, in which event he is entitled to five dollars for the service.

Rate of pilotage.

§ 917. The master, owner or consignee of every ship or vessel, must pay the pilot who conducts a vessel into or out of the bay and harbor of Mobile at the following rates, for the actual draught of water of such vessel at the time of pilotage, viz :

On every vessel crossing the outer bar of Mobile bay drawing not more than ten feet water, two dollars and fifty cents per foot ; on every vessel drawing ten, and not exceeding twelve feet water, two dollars and seventy-five cents, per foot ; on all vessels drawing more than twelve feet, and not exceeding fourteen feet, three dollars per foot ; and on all vessels drawing more than fourteen feet water, four dollars and fifty cents per foot. On all vessels crossing Dog river bar, of whatever draught of water, one dollar and fifty cents per foot.

Act 1858, Section 1.

Penalty for throwing ballast into bay of Mobile.

§ 918. If any master of a vessel or water craft of any description, throws, causes, or permits to be thrown from on board such vessel or water craft, into the waters of the bay or harbor of Mobile, or within three miles of the outside of the outer bar of the harbor, any stone, gravel or

other ballast, he forfeits a sum not less than one thousand or more than two thousand dollars for every such offense, and may be imprisoned, not exceeding three months, at the discretion of the court. One-half the forfeiture to be paid to any one who first gives information of the offense to the commissioners, and the other half to the use of the commissioners.

§ 919. Upon the commissioners receiving satisfactory evidence of the offense specified in the preceding section, they must proceed to recover such forfeiture by process of attachment in the name of the State, which may be issued as other attachments, on the oath of the informer, and be levied on the vessel from which the offense was committed. The vessel may be replevied by the master, owner, or consignee, by giving bond payable to the State, in treble the amount of the penalty, with condition to have the vessel forthcoming, to satisfy such judgment as may be rendered in the suit.

Proceedings
to recover
the penalty.

§ 920. Every pilot having knowledge of the commission of the offense specified in the two preceding sections must, as soon as practicable thereafter, give information thereof to the commissioners, and failing so to do, must be deprived of his license, and be forever thereafter disqualified for the office of pilot of the bay or harbor of Mobile. The southern boundary or limit of the bay or harbor of Mobile is hereby declared to be the bar known as the outer bar, about two miles to the southward of Dauphin island.

Pilot to re-
port offender

§ 921. All branch pilots are appointed by the commissioners, and whenever a vacancy occurs in a branch, the person who has served the longest time as an apprentice, must, if deemed competent by the commissioners, be appointed to such vacancy; but no person can hold a branch who is not engaged in piloting.

Branch pi-
lots. how ap-
pointed.

§ 922. When any pilot boat, belonging to a different pilot than the one who may have conducted a vessel out to sea, takes such pilot off from such vessel, such pilot boat is entitled to one-third of the pilotage.

Fee to boat
taking pilot
off.

§ 923. The board of commissioners are hereby authorized in their own names, as commissioners, or in that of their

Fines, how
sued for.

chairman as such, to sue for, and recover to their own use, any forfeiture which may accrue under this chapter, which is not otherwise specifically appropriated.

Commissioners to keep a record of their proceedings.

§ 924. The commissioners must preserve in a well bound book, a record of all their acts, and of the rules and regulations adopted by them, for the direction and government of the pilots. They must designate one of their number as chairman, and cause a record thereof to be made, and prescribe such fees for the services of the pilots, and impose such fines and penalties not inconsistent with the provisions of this chapter, as they may deem expedient. They must also preserve, upon record, a list of all persons appointed pilots by them, as well as of those whom they may declare to have forfeited their license. All persons interested must have access to and be permitted to take copies of the records, and copies thereof, certified by the chairman, are presumptive evidence of the facts stated therein.

Bonds and affidavits to be filed.

§ 925. They must preserve on file all bonds and affidavits taken from pilots, and may, whenever they consider it necessary, require a new bond to be executed.

Their office.

§ 926. They must keep their office in some suitable place, of which the public shall have notice, and may keep their books and papers in the office of the probate judge.

Who may sue on pilot's bond.

§ 927. The bonds aforesaid stand as a security for any injury caused by the negligence, or want of skill of the pilot, and may be put in suit in the name of any person aggrieved.

Penalty for assuming to act without license.

§ 928. Any person undertaking to act as pilot without a license as required by the provisions of this chapter, or after he has been notified by the commissioners that his license has been revoked, is guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars.

§ 929. The fees of the commissioners for services rendered are as follows: for every license granted, ten dollars; for taking and filing bond and affidavit, one dollar; giving copies from records for each hundred words, twenty cents; certifying the same, fifty cents.

AN ACT for the more effectual preservation of the Arms of the State, in charge of the First Volunteer Regiment of Alabama Militia, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for the commissioned officers of the First Volunteer Regiment to appoint an armorer for said regiment, whose duty it shall be, under the direction of said officers, to repair and keep in good order the said arms, and all others that may be confided to his charge. The said armorer shall be removable by said officers at their pleasure, and shall receive such sum for his services as they shall direct, to be paid out of a fund to be raised in a manner hereinafter provided.

Armorer to be appointed

His duty.

SEC. 2. *And be it further enacted,* That every person residing in the city of Mobile and not a member of said regiment, who is or shall be liable to militia duty, may be exempt therefrom, on the payment of two dollars annually to the armorer or collector of said regiment, for which sum he shall receive a certificate from under the hand of the colonel of said regiment, which shall exempt the person to whom it is granted from all service in the militia, except in cases of invasion, insurrection, war or draft; *provided,* that each person so exempt from ordinary militia duty, shall continue regularly enrolled.

Persons in Mobile exempt from militia duty upon conditions.

SEC 3. *And be it further enacted,* That it shall be the duty of the officers of said regiment, to report annually to the governor of the State the amount which shall have been collected under this Act, and if there is any excess over paying the expenses of said armory, it shall be appropriated in such manner as the officers of said regiment shall direct: *provided,* that no appropriation shall be made out of said fund, other than the expenses of said armory, without the approbation of the governor of the State.

Officers to report annually to governor.

SEC. 4. *And be it further enacted,* That it shall be the duty of the commanding officer of the regiment to furnish annually the adjutant-general of the State with a correct roll and report of the strength and condition of his command, and shall also furnish the quarter-master-general a

Commanding officer to make annual report to adjutant-general.

return of the arms of every description in possession of his regiment, before the first day of each and every year, and that said regiment may hold not exceeding four regimental musters or parades in each year, and an encampment for military instruction and review, of not less than three, nor more than four consecutive days, at such time and place as the commanding officer may designate, said encampment to be conducted on military principles, and the commanding officer of said regiment shall not be required to obey any orders not emanating from the governor of the State, except when ordered to assemble by the sheriff or the civil authorities of the county and city of Mobile, to suppress riots or other disturbance of the public peace: *provided*, it shall be the duty of said regiment to attend one inspection and review, at such time and place as the major or brigadier-general may appoint.

Exemptions
of members
of First Vol-
unteer Regi-
ment.

SEC. 5. *And be it further enacted*, That the officers and members, and their successors, of said regiment, be, and the same are hereby exempt from all jury duty in the county of Mobile, so long as they continue to be active members of said regiment, to ascertain which it shall be the duty of the commanding officer of each company to furnish the adjutant of said regiment, by the first Monday of February, annually, a full and correct roll, certified upon honor, of the strength and condition of his command, and said adjutant shall consolidate the same, and furnish a copy of said reports to the clerks of the circuit and county courts of Mobile, on or before the first of March in each year.

Effect of un-
paid fines.

SEC. 6. *And be it further enacted*, That when a court-martial shall impose a fine on any officer of said regiment, which cannot be collected, it shall operate as a suspension of said officer, till the fine shall be paid.

Condition of
exemption
according to
this Act.

SEC. 7. *And be it further enacted*, That no company in said regiment shall be exempt, according to the provisions of this Act, having less than forty rank and file members, or more than sixty, with the requisite number of legal commissioned officers, and that any company or companies attached to this regiment, not complying with the provisions of this Act, shall be disbanded.

SEC. 8. *And be it further enacted,* That all laws and ^{Repeal.} parts of laws contravening the provisions of this Act, be, and the same are hereby repealed.

APPROVED January 15th, 1844.

AN ACT to divide the Forty-Eighth Regiment, Alabama Militia.

SECTION 1. *Be it enacted by the Senate and House of* <sup>48th regi-
ment divid-
ed, and how.</sup> *Representatives of the State of Alabama, in General Assembly convened,* That the forty-eighth regiment of the Alabama militia, in the county of Mobile, shall be divided into three regiments, in the following manner, viz. :

All that part of the city of Mobile lying west of Frank- <sup>48th regi-
ment.</sup> lin street, to form the forty-eighth regiment.

All that part of the city of Mobile lying north of Dau- <sup>94th regi-
ment.</sup> phin street, and east of Franklin street, to compose the ninety-fourth regiment.

And all that part of the city of Mobile, south of Dau- <sup>95th regi-
ment.</sup> phin street, and east of Franklin street, to constitute the ninety-fifth regiment.

And that the two new regiments hereby created shall be attached to the ninth brigade, and fourth division, of Alabama militia, and shall be organized as it is now provided by law.

SEC. 2. *And be it further enacted,* That it shall be the duty of the brigadier-general of the ninth brigade, fourth division, of the militia of this State, to detail a brigadier court-martial to convene in the city of Mobile, within sixty days after the passage of this Act, and that the said court-martial is hereby required to divide the said forty-eighth regiment, in manner and form as in this Act above specified.

APPROVED January 21st, 1845.

AN ACT for the better organization of so much of the Fourth Division, A. M., as lies within the City of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this

Organiza-
tion of the
4th division
Alabama
Militia.

Act, there shall take place annually, within the bounds of the city of Mobile, whether of militia or volunteers, at such time and place as the commandant of the proper division shall order, a training and review of all the troops and companies attached to such division within said city, which training and review shall be attended by all commissioned and non-commissioned officers of the line and field having command within said corporate limits, twenty days' notice of which shall be given in writing to the commandant of the brigade, and the commandant of the First Volunteer Regiment; fifteen days' notice by the commandant of the brigade to the commandants of regiments; thirteen days' notice by them (and by the commandant of the First Volunteer Regiment) to the commandants of battalions; ten days' notice by them to the commandants of troops and companies, and by them to other officers, musicians, and privates, seven days' notice by advertisement through a newspaper, or in writing, to be stuck up at the usual muster ground, and at three principal public places within the bounds of the company.

APPROVED January 25th, 1845.

AN ACT to incorporate the Mobile Hook and Ladder Company, No. 1, and Fire Companies Nos. 3, 6 and 7, of the city of Mobile.

Body cor-
porate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John Shannon, Isaiah F. King, Isaac B. Collins, Philip Dougherty, and their associates, be and they are hereby incorporated by the name and style of the "Mobile Hook and Ladder Company, No. 1," and that William J. Fairies, John C. Ayres, E. A. Taber, and their associates be, and they are hereby incorporated by the name and style of "Franklin Fire Company, No. 3, of the city of Mobile;" that Charles J. Shreve, James Elder, John Cotchett, and their associates, be and they are hereby incorporated by the name and style of "The Phoenix Fire Company, No. 6;" that Frederick J. Chartres, William J. Pry-

ers, Josiah J. Brown, and their associates, be and they are hereby incorporated by the name and style of "Mechanics' Fire Company, No. 7, of the city of Mobile," and by their respective names and styles, the aforesaid companies are hereby authorized and empowered to sue and be sued, to plead and be impleaded, to have, hold, occupy, possess and enjoy, each and severally, goods and chattels, lands and tenements, of the value of twenty thousand dollars, each company to adopt a common seal, and the same to alter and renew at pleasure, and each company to make such by-laws, rules and regulations, for the proper organization and good government of the said companies respectively, not inconsistent with the constitution and laws of the United States, and of the State of Alabama, and the provisions of this Act of Incorporation, as they may deem proper.

SEC. 2. *And be it further enacted*, That the Hook and Ladder Company, No. 1, shall consist of not more than one hundred active members; shall keep in efficient order a sufficient number of ladders, ropes, hooks, chains, axes, and such other apparatus as they may require for service at fires, and one or more good and substantial wagons or trucks, for the carriage of apparatus.

SEC. 3. *And be it further enacted*, That the Franklin Fire Company, No. 3, shall consist of sixty-five members, and no more; that the Phoenix Fire Company, No. 6, shall consist of eighty members, and no more; that "The Mechanics' Fire Company, No. 7," shall consist of seventy-five members, and no more. That each of the aforesaid companies shall be required to keep in good order one fire engine, with the apparatus necessary, and shall be subject to the same government and control that any other fire companies in the city of Mobile are now subject, by any previous Act of the legislature, for the incorporation of the same; and that when either company shall have ready for service two fire machines with apparatus, the number of members of such company may be extended to one hundred and no more.

SEC. 4. *And be it further enacted*, That the members of all the companies designated in the first section of this Act, shall be exempt and are hereby exempted from militia

Powers.

Hook and
Ladder Com-
pany, No. 1.

No. 3.

No. 6.

No. 7.

Exempt
from militia
duty, &c.

duty, road tax, performance of jury duty as grand or petit jurors in the circuit or county courts of Mobile county, so long as they continue to perform the duties of firemen under this Act, and that any member who shall have served five consecutive years in any fire company in Mobile, without an intermission of over three months, or who shall have been disabled in the performance of duty, as such, shall be constituted an "exempt fireman," and as such, entitled to all the privileges and immunities of active members of the companies.

Charter,
how forfeit-
ed.

SEC. 5. *And be it further enacted*, That whenever either of the above companies shall habitually neglect the performance of their duty as firemen, or violate the provisions of this charter, it shall be the duty of the solicitor of the tenth judicial circuit, to cause a *scire facias* to be issued, calling upon such company to show cause why their charter should not be declared forfeited, which writ shall be made returnable to the circuit court of Mobile county, and if such company shall be found guilty of such habitual neglect, the said court shall declare their charter to be forfeited.

New com-
panies.

SEC. 6. *And be it further enacted*, That when any fire company, or companies, now or hereafter to be organized in the city of Mobile, shall have complied with the requisitions of the third section of this Act, and shall have reported to the mayor and aldermen of the city, and chief engineer, or head of the fire department, and been accepted and approved by them, *their* certificate to that effect shall entitle said company, or companies, to all the benefits, and subject them to all the liabilities of this Act of Incorporation.

SEC. 7. *And be it further enacted*, That in order to enable each and all of the several fire companies of the city of Mobile, to enjoy the full benefit of all the Acts passed in their favor, the foreman of each company shall, quarter yearly, hand into the mayor's office and to the sheriff of the county of Mobile, a true statement of the names and number of each company, on oath; and it shall be the duty of the clerk of the city to file the same in his office; and

it shall be the duty of the sheriff to prevent the said names from being placed in any of the jury boxes of said county.

APPROVED, December 9th, 1841.

Persons belonging to Fire Engine Company, Number Two, in the city of Mobile, were exempted from serving and performing militia duty in this State, except in time of war, invasion or insurrection, (not exceeding thirty-six members.

December 31st, 1822.

The members of Neptune Fire Company, numbered one and two, of the city of Mobile, were exempted from militia and patrol duty, except in case of actual rebellion or invasion, and the commissioners of roads were authorized to exempt them from road tax, if they deem the same expedient.

December 24th, 1824.

The privileges and immunities heretofore granted to members of Neptune Fire Companies, Number One and Two, in the city of Mobile, were extended, to the hook and ladder company of said city, (not to exceed twenty-five in number).

January 27th, 1827.

The members of Fire Engine Company, Number Two, of the city of Mobile, were exempted from the performance of jury duty, and the payment of road taxes within Mobile county, (not to exceed the number of fifty men.

January 15th, 1831.

Fire Engine Company Number Two were authorized to have seventy members exempt, as in the last Act.

January 10th, 1833.

Franklin Fire Engine Company, Number Three, of the city of Mobile, were granted the privileges of the Act of January 15th, 1831, (not to exceed the number of forty men.)

January 11th, 1834.

The captain of Perseverance Fire Company, Number One,

of the city of Mobile, and his successors in office, were exempted from the performance of jury duty, and the payment of road taxes, in the county of Mobile.

January 16th, 1834.

AN ACT to Incorporate a Fire Engine Company, therein named.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That B. F. Franklin, James B. Rich, James C. Chamberlain and associates be, and are hereby incorporated by the name and style of the Merchant's Fire Company, No. 4, of the city of Mobile, and by that name and style they are hereby authorized and empowered to sue and be sued, to plead and be impleaded, to have, hold, occupy, possess and enjoy, each and severally, goods and chattels, lands and tenements, of the value of twenty thousand dollars, to adopt a common seal, and the same to alter and renew at pleasure, and to make such by-laws, rules and regulations, for the proper organization and good government of the said company, not inconsistent with the constitution and laws of the United States, and of the State of Alabama, and the provisions of this Act of Incorporation, as they may deem proper.

Company to consist of 100 members

SEC. 2. *And be it further enacted,* That the said company may consist of one hundred members and no more, who shall be admitted under such rules and regulations as said company may adopt, whenever the number of members shall be less than one hundred, or there shall occur any vacancy in the same.

SEC. 3. *And be it further enacted,* That the said company shall be required to keep and maintain in order for use, two separate engines, with the apparatus belonging to the same, and shall be subject to the same control and government that any other fire company in the city of Mobile is now subject to, according to any previous Act of the general assembly for the corporation of the same.

SEC. 4. *And be it further enacted,* That the members of the company designated in the first section of this Act,

shall be exempt, and are hereby exempted from militia duty, road tax, performance of jury duty as grand or petit jurors, in the circuit or county courts of Mobile county, so long as they continue to perform the duties of firemen under this Act, and that any member who shall have served five consecutive years in any fire company in Mobile, without an intermission of over three months, or who shall have been disabled in the performance of duty as such, shall be constituted an "exempt fireman," and as such entitled to all the privileges and immunities of active members of the company.

SEC. 5. *And be it further enacted*, That whenever the above company shall habitually neglect the performance of their duty as firemen, or violate the provisions of this charter, it shall be the duty of the solicitor of the tenth judicial circuit, to cause a *scire facias* to be issued, calling upon said company to show cause why their charter should not be declared forfeited, which writ shall be made returnable to the circuit court of Mobile county; and if the said company shall be found guilty of such habitual neglect, the said court shall declare their charter to be forfeited.

SEC. 6. *And be it further enacted*, That all the powers and privileges granted to the Merchant's Fire Company, Number Four, may be enjoyed by each of the fire companies of the city of Mobile, upon their complying with the same rules and regulations which govern said company.

Privileges,
how enjoyed.

APPROVED December 24, 1838.

Fire wardens in the city of Mobile are exempted from jury duty, in Act February 9th, 1839.

To Incorporate the Torrent Fire Engine Company, Number Five, of the City of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That George Bancroft, Charles Berry, John Franklin, G. Kimball, William Pitt, Isaac S. Davis, John Riley, and their associates be, and they are hereby

Name and style.	incorporated by the name and style of the Torrent Fire Engine Company, Number Five, of the city of Mobile, and by that name and style they are hereby authorized and em-
Powers.	powered (same as 1st section of Act December 9th, 1841, to incorporate Hook and Ladder Company No. 1, and Fire Companies No. 1, 3, 6 and 7.)
Number in company.	SEC. 2. <i>And be it further enacted</i> , That the said company shall consist of not more than sixty-five members, who shall be admitted under such rules and regulations as said company may adopt, whenever the number of members shall be less than sixty-five, or there shall occur any vacancy in the same.
Duty.	SEC. 3. <i>And be it further enacted</i> , That the same company shall be required to keep and maintain in good order for use, at least one fire engine, with the apparatus belonging to the same, and shall be subject to the same control and government that any other fire company in the city of Mobile is now subject to, according to any previous Act of the general assembly for the incorporation of the same. SEC. 4. (The 4th section of Act December 9th, 1841, includes this, and gives greater privileges). SEC. 5. (The same as the 5th section of Act December 9th, 1841.) SEC. 6. (The 7th section of Act December 9th, 1841, enlarges this. APPROVED December 1st, 1840.

AN ACT to raise a Fund for the Benefit of the Fire Companies in the City of Mobile.

Not to take
or receive
premiums.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this Act, it shall not be lawful for any insurance company, not chartered by the legislature of this State, to take or receive any premium within the county of Mobile, against fire, or any marine or river risk, or to open an office in the city of Mobile, unless such insurance company first pay

into the Alabama Life Insurance and Trust Company, the sum of two hundred dollars, and a like sum on the expiration of twelve months, and annually thereafter, so long as they may continue to take or make insurance, or open an office for that purpose.

SEC. 2. *And be it further enacted*, That the money so deposited shall inure to the use and benefit of the several fire companies in the city of Mobile, and such as may hereafter be organized, to enable the fire department to reward superior skill and exertion in the members, to provide for those who may become sick or disabled in the discharge of their duties as firemen, or their families.

SEC. 3. *And be it further enacted*, That all moneys deposited as aforesaid shall and may be drawn for the above purpose, by the fire department of the city of Mobile, under such rules and regulations as they may establish.

SEC. 4. *And be it further enacted*, That all insurance companies violating the provisions of the first section of this Act, shall forfeit to the Alabama Life Insurance and Trust Company, the sum of one thousand dollars, to be recovered against the company so violating the provisions aforesaid, or their agents, by suit brought in the name of the said Alabama Life Insurance and Trust Company.

SEC. 5. *And be it further enacted*, That all sums so received by the Alabama Life Insurance and Trust Company, after deducting the cost, shall be passed to the same fund, and for the use of the fire company as aforesaid, and for the purposes expressed in the several sections of this Act.

APPROVED January 30, 1839.

AN ACT to Incorporate the Fire Department Association of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That John F. Pazles, B. Tardy, delegates from Engine Company Number One, Alexander Watson, jr., Louis Bullard, and W. P. Hammond, delegates from number two; Robt. M. Parker, Samuel M. Todd,

Name and style.	<p>and William J. Farris, from number three ; Geo. Woodward, Jacob S. Marsh, and Ezekiel Salomon, from number four ; James F. Hutchisson, Geo. Bancroft, and Isaac Davis, from number five ; Chas. S. Shreeve, F. A. Fankersley and Thos. A. G. T. Hamilton, from number six ; A. W. Bar, James Cowley and William J. Pryers, from number seven ; and John Kennedy, John Shannon, and James Battel, from Hook and Ladder Company, Number One, of the city of Mobile, and their successors and associates be, and they are hereby constituted and declared a body corporate, in deed and in law, by the name and style of "The Fire Department Association of Mobile," and by that name shall have full power and authority to have and use a common seal, and the same to break, alter and renew at pleasure, to sue and be sued, to plead and be impleaded, answer and be answered unto, in all claims whatsoever ; and also to make, pass and adopt all such rules, regulations and by-laws, for the proper and better organization of their said association, as they may deem wise and expedient : <i>provided</i>, the same shall not be repugnant to, or inconsistent with the constitution and laws of the United States, or of the State of Alabama, or of the provisions of this Act of Incorporation.</p>
Powers.	
Proviso.	
Power to hold property.	<p>SEC. 2. <i>And be it further enacted</i>, That the said association or body corporate shall be, and they are hereby authorized and empowered to hold property and estate, both real and personal, and to make purchases thereof ; also to accept and receive all gifts, grants, donations, offerings, privileges and immunities whatsoever, which have been, or may hereafter be granted and made to said association, or for their use and benefit, or which hereafter may be conveyed or transferred to them, and to sell, alien, dispose of, transfer and convey away the same : <i>provided</i>, that the entire property and estate, both real and personal, so by them at any one time held, shall not exceed the value of thirty thousand dollars.</p>
Proviso.	
Rights secured.	<p><i>And be it further enacted</i>, That no misnomer of the said association or body corporate, shall defeat, annul, or make void any sale, gift, grant, devise or bequest to the same :</p>

provided, the true intent and meaning of the parties there-^{Proviso.} to shall sufficiently appear upon the instrument of sale or conveyance, gift, grant, or other writing,^o whereby any property, estate or interest, was intended to pass to said "Fire Department Association of Mobile," hereby incorporated.

SEC. 4. *And be it further enacted*, That all the rights,^{Transfer of corporate powers.} powers, privileges and benefits given and granted to the fire companies of the city of Mobile," (and to the Alabama Life Insurance and Trust Company of Mobile) or to either of them, by an Act of assembly, entitled, "An Act to raise a fund for the benefit of the fire companies of the city of Mobile," approved January thirtieth, one thousand eight hundred and thirty-nine, be, and the same are hereby transferred to, and vested in the said "Fire Department Association of Mobile," hereby incorporated, for the benefit of the several fire companies of the city of Mobile, now in existence, or which may hereafter be organized for the uses and purposes in said Act of one thousand eight hundred and thirty-nine, provided and set forth.

SEC. 5. *And be it further enacted*, That nothing in^{Restriction.} this Act contained, shall be construed as to give to said association the right or privilege to exercise or carry on any banking business of any kind, form or nature whatsoever.

APPROVED 14th February, 1843.

ACTS, CORRESPONDENCE AND CONTRACTS,
FOR THE
MOBILE CITY WATER-WORKS.

“ A SCHEDULE OF THE PAPERS. ”*

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| <p>1. An Act to incorporate an Aqueduct Company in the City of Mobile, passed Dec. 20th. 1820.</p> <p>2. Articles of Agreement between “The Mayor and Aldermen of the City of Mobile, and Henry Hitchcock,” dated December, 1st. 1836.</p> <p>3. An Act to incorporate the “Mobile Aqueduct Company,” passed December 25th, 1837.</p> <p>4. Letter dated Mobile. January 17th. 1838. Henry Hitchcock to the Mayor and Aldermen of the City of Mobile.</p> | <p>5. Resolutions of the Mayor and Aldermen of the City of Mobile.</p> <p>6. Letter dated New Orleans. January 29th, 1838. Albert Stein to Henry Hitchcock.</p> <p>7. An Act for the promotion of the health and convenience of the City of Mobile, by the introduction of a supply of wholesome Water into said City, to be used for domestic purposes and the extinguishment of Fires, passed January 7th. 1841.</p> <p>8. Act December 25th. 1841.</p> <p>9. Act February 4th, 1846. (Part 133.)</p> |
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Dec. 20th,
1820.
Preamble.

Whereas, it has been represented, that it would be of singular advantage to the health and convenience of the city of Mobile, to be supplied with water from some of the running streams in its vicinity, which would be attended with too much labor and expense to be effected by laying a tax for the purpose ; and whereas it has also been represented that certain individuals have agreed to associate themselves together for the purpose of conducting a supply of water from a creek called Three Mile creek, otherwise Bayou Chatogue, for the use of the citizens and other persons residing in the city of Mobile ; therefore,

Members of
incorpora-
tion.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Lewis Judson, Addison Lewis, Archibald N. Gordon, William H. Robertson, and Francis W.

* These papers, except the Acts of the legislature passed in 1846, were furnished by Mr. Stein, to the author, in 1846, while he was a member of the board of aldermen. The copy of the contracts with Stein cannot be found in the city archives. There is a copy on record in the probate office of Mobile county.

Armstrong, their heirs, executors, administrators and assigns, be and they are hereby created and constituted a corporation and body politic, by the name and style of "The Mobile Aqueduct Company," and, by that name, ^{Style of incorporation.} they shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to ^{Powers.} them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of whatever kind, nature and quality, and the same to sell, grant, demise, alien, and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing depending, in any court of law or equity, and also to make and have, and use a common seal, and the same to break, alter and renew at their pleasure, and also to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as they shall deem necessary and convenient for the government of said corporation, and for the attainment of the object of its creation, not being contrary to the charter, or the laws of this State, or of United States, and generally to do, and to execute all and singular the acts, matters and things, which to them may appear necessary, or which to them it may appertain to do, as incident to bodies corporate under the restrictions before mentioned.

SEC. 2. That the members of the said corporation be, ^{Privileges of corporation.} and they are hereby authorized and empowered, as soon as practicable, and by the best means in their power, and by the nearest practicable route, to dig or cause to be dug, a channel or canal sufficiently deep and wide to contain logs of an aqueduct size, with a caliber large enough to contain and conduct a sufficiency of water to supply the citizens and other persons of Mobile with water, and from time to time and at all times hereafter, during the continuance of this charter, to enter upon the route and course of the said canal, or ditch, as they may deem it necessary, for the purpose of laying, repairing, altering, or amending the said logs, canal or ditch, hereby declaring it lawful for the members of the said corporation, or any or either of them, their successors or assigns, or others employed by them for that

purpose, from time to time, as often as in their opinions it may be necessary, to enter upon the lands of any person through which the said canal or ditch may pass, for the purpose of opening the said canal or ditch, and placing the logs therein, and from time to time, and at all other times thereafter, during the continuance of this franchise to re-enter as often as they may deem it necessary so to do, for the purpose of repairing the aforesaid canal or ditch, or replacing any logs that may be decayed, or otherwise injured, they being liable and accountable to the legal owner or owners of the land through which the said canal or ditch may pass, for any special damages that may be sustained by reason of the aforesaid canal or ditch being dug and continued as aforesaid; which said damages shall be ascertained by appraisers, two of whom shall be chosen by said corporation, and two others by the owner or owners of said land; and in case of difference, the said four appraisers shall choose a fifth appraiser or arbitrator, and the appraisement by them shall be conclusive on both parties as to the damage done: *provided, nevertheless*, that the said canal or ditch shall not be dug through any lot or lots in the city, but shall be conducted along any of the streets thereof, as may be most practicable.

Liability of.

Corporation to have exclusive privilege of supplying the city, for 40 years.

Provided the water-works become the property of the city.

SEC. 3. *And be it further enacted by the authority aforesaid*, That the said corporation, and their successors, shall have and enjoy the exclusive right and privilege of conducting and bringing water for the supply of said city, for the space of forty years: *provided*, the said corporation, or their successors, shall, before the expiration of three years from the passage of this Act, cause to be conducted the water from the said bayou or creek, to the said city of Mobile, in the manner hereinbefore proposed: *and provided, also*, that after the expiration of the said term of years, the said water-works shall become the property of the said city, and shall be for the free use of the inhabitants thereof, forever: *provided, also*, the said corporation shall not carry the canal or ditch through the land of any person or persons, without first obtaining from the owner, by purchase or otherwise, the privilege of doing so.

SEC. 4. *And be it further enacted,* That if any person ^{Penalty for injuring the works.} whatsoever shall wantonly deface, remove, or otherwise injure or disturb the logs placed in the aforesaid canal or ditch, pipe or pipes of lead or other thing, that may lead from the logs aforesaid, or shall remove from above the said logs, any earth covering them, or shall obstruct or injure, by logs, bushes, earth or other materials, the water of the said creek, at any place between the source thereof and the place whence the water may be taken or conducted for the use of the said city as aforesaid, he, she or they so offending, for every such offense shall forfeit and pay the sum of twenty dollars, to be recovered by action of debt before any justice of the peace; one half thereof shall go to the use of the said city of Mobile, and the other to the informer; and moreover, such person shall be liable to pay also any particular damage that may be sustained thereby, by the said corporation, and the informer is hereby declared a competent witness to prove any injury done as aforesaid.

SEC. 5. *And be it further enacted,* That it shall and ^{Perquisites to corporation.} may be lawful for the said corporation and their successors, to take, demand and receive from every private family, a sum not exceeding one dollar per annum, for each and every person, including servants and children, of which said family may consist, in consideration of being supplied with water, as is in this Act provided; and for each and every public house or tavern, the sum of twenty dollars, in addition to the sum demanded of a private family; and for each and every private boarding-house, the sum of fifteen dollars, in addition to the rate or sum aforesaid, to be paid half yearly in advance: *provided,* that no person shall be obliged to pay for any time that the water may be stopped, whether by accident or otherwise, and a proportionable deduction shall be made for all such time as aforesaid: *and provided, also,* that no person shall be compelled to pay the sum or sums aforesaid, who does not use, directly or indirectly, the water conveyed to said city as aforesaid.

SEC. 6. *And be it further enacted,* That it shall and ^{Perquisites to corporation.} may be lawful for the corporation aforesaid, and their successors, to demand, take and receive for each and every pipe

or hogshead of water, conveyed to the city as aforesaid, which may be taken for the use of ships or vessels, any sum not exceeding seventy-five cents, and in like proportion for casks of smaller size.

Penalty for using water without license.

SEC. 7. *Be it further enacted,* That any person or persons, inhabitants of said city, who shall use the water conveyed to the city, as aforesaid, and shall not have declared his, or her, or their intention so to do, nor have paid the sum or sums by this Act authorized to be demanded and received, any such person so offending shall forfeit and pay double the sum he, she or they would have been liable to have paid by the previous provisions of this Act, to be recovered by action of debt, before any justice of the peace, to the use of said corporation and their successors.

Hydrants to be placed by corporation.

SEC. 8. *Be it further enacted,* That the said corporation shall put up, or cause to be put up at least six hydrants, in six of the most convenient places within the said city, and also shall fix a like number of convenient places for use in case of fire, which places shall be designated by the mayor and aldermen of said city, and the said hydrants shall be supplied with convenient and good cocks to facilitate the drawing of the water.

Penalty for injuring hydrants.

SEC. 9. *Be it further enacted,* That if any person or persons shall wilfully cut, mutilate, or otherwise deface or injure the said hydrants, or any part thereof, he, she or they so offending, shall pay a fine of twenty dollars, recoverable by action of debt, before any justice of the peace, for the use of the corporation aforesaid; and if any person or persons shall carelessly or negligently leave the water running, or shall not stop the cock, for every such act, he, she or they (or if a child) his or her parent or guardian (or if a slave) his or her master shall pay for every such act of carelessness or negligence, the sum of two dollars, recoverable before a justice of the peace, at the suit of said corporation and to their use.

APPROVED, Dec. 20th, 1820.

AN ACT entitled "An Act to Incorporate an Aqueduct Company in the City of Mobile, passed December 20th, 1820.

SEC. 18. *And be it further enacted*, That the Act entitled "An Act to incorporate an aqueduct company in the city of Mobile, passed December the 20th, 1820, be, and the same is hereby declared null and void, the said company having failed to comply with the requisitions of said Act, and all the rights, privileges and immunities, powers, prerogatives and authority, which appertain to the said company by virtue of the aforesaid Act, are hereby transferred to, and vested in the corporation of the city of Mobile, for the use and benefit of the inhabitants thereof.

18th section
of Act 24th
Dec., 1824.

Aqueduct
company in-
corporation
revoked.

Powers
thereof
transferred
to the city of
Mobile.

APPROVED Dec. 24th, 1824.

Articles of Agreement, made and entered into the first day of December, in the year one thousand eight hundred and thirty-six, by and between "the mayor and aldermen of the city of Mobile" of the first part, and Henry Hitchcock of the second part, witnesseth:

Agreement
between
Henry
Hitchcock
and the city
of Mobile, to
establish
water-works
1st Dec. 1836

That the said "mayor and aldermen of the city of Mobile," for and in consideration of the rents, covenants and agreements hereinafter contained, mentioned and reserved on the part and behalf of the said Henry Hitchcock, his executors, administrators and assigns, to be paid, kept, done and performed, have granted, leased, demised, and to farm let, and by these presents do grant, lease, demise, and to farm let unto the said Henry Hitchcock, his executors, administrators and assigns,

The entire use, control, management, rents, profits, issues, and enrollments of the "Mobile City Water Works," so called, embracing the ground at Spring Hill, where the fountain is situated, and the ground along which the pipes pass from the said fountain to the said city of Mobile, together with the use of all the wooden and iron pipes and logs already laid down, consisting of about sixteen thousand feet of three-inch caliber, and six thousand feet of six-inch caliber, as well as all the advantages which accrue to the said

“mayor and aldermen,” from, by or under an Act of the legislature of the State of Alabama, entitled, “An Act to incorporate an aqueduct company in the city of Mobile, passed December 20th, 1820;” and all ordinances and resolutions passed by the said “mayor and aldermen,” under, and by virtue of the said Act, or by the Act incorporating the said city of Mobile, and the several Acts amendatory thereto, which in any way or manner relate to the said city “water-works.”

To have and to hold the above-mentioned and described premises, property and privileges, together with all and singular the appurtenances, unto the same belonging, or in any wise appertaining unto the said Henry Hitchcock, his executors, administrators and assigns, from the day of the date hereof, for, during and until the full end and term of twenty years thence next ensuing, and fully to be complete and ended, yielding and paying therefore, unto the said mayor and aldermen of the city of Mobile, and to their successors in office, the rent, or sum of twenty-six thousand dollars, in payments, as follows, to wit :

The sum of five thousand six hundred and sixteen dollars on the first day of December next; the further sum of six thousand and thirty-two dollars, on the first day of December, 1838, the further sum of six thousand four hundred and forty-eight dollars, on the first day of December, 1839; the further sum of six thousand eight hundred and sixty-four dollars, on the first day of December, 1840; and the further sum of seven thousand two hundred and fifty dollars, on the first day of December, 1841. The first payment thereof to begin, and to be made on the first day of December, 1837; for which said several sums or amounts of money, the said mayor and aldermen hereby acknowledge that they have received promissory notes for the respective amounts above stated, and reserved with endorsers to secure the payment thereof, at the times above stipulated, which notes, when paid, will be in full for the rent aforesaid. And the said Henry Hitchcock, for himself, his heirs, executors, administrators and assigns, doth hereby covenant and agree, to and with the said party of the first part, and their successors in office, that he will, during the said term hereby granted, well and

truly pay, or cause to be paid unto the said mayor and aldermen, and their successors in office, the rent above reserved, at the times and in the manner and form herein above limited and appointed, without deduction, fraud or delay, according to the true intent and meaning of these presents. And further, that he will, during said term hereby granted, use and occupy the said premises and privileges, in a careful and husband-like manner, without in any manner injuring or abusing the same (except to use and enjoy such part of the land and timber where the fountain is situated, as may be necessary for the alteration and repairing of the said "water-works.") And further, that he will, within the space of two years from the date hereof, put the said water-works in good and sufficient repair, so as to continue during the time hereby granted ; and will also keep up the said water-works in good order as they now are, until they shall so be placed in good order and repair, so that the said city of Mobile and the inhabitants thereof, may at all times be supplied with such quantity of good wholesome water, as may be procured through the said aqueduct. And further, the said Henry Hitchcock covenants and agrees as aforesaid to surrender up the said "water-works" and all the appurtenances thereto belonging, unto the said mayor and aldermen, or their successors in office, in good order and condition, at the expiration of the said term of twenty years from the date hereof, they, the said mayor and aldermen, or their successors in office, paying to the said Henry Hitchcock, his executors, administrators or assigns, the amount which the said "water-works" have actually cost him, the said Henry Hitchcock, his executors, administrators or assigns, during said term of twenty years.

And further, the said Henry Hitchcock covenants and agrees at all times during the said term, to suffer and permit the said mayor and aldermen of the city of Mobile, and their successors in office, to use at least two hydrants to each square within said city, where there are pipes laid down, as may be necessary for washing streets, and take therefrom as much water as may be necessary therefor, and

in case of a conflagration or fire of buildings, as much water as may be necessary from any and all parts of the said "water-works." And the said mayor and aldermen of the city of Mobile, for themselves and their successors in office, hereby covenant and agree (he, the said Henry Hitchcock, well and truly complying with all and singular the foregoing stipulations and agreements on his part to be done, performed, and complied with) that he and his heirs, executors, administrators and assigns, shall and may retain the quiet possession of the said "water-works" and their appurtenances for the said term of twenty years, without let, molestation and hindrance of the said mayor and aldermen, or their successors in office, or any person or persons claiming by, through or under them. And that the said Henry Hitchcock, his executors, administrators and assigns, shall, during the said term of twenty years, have the exclusive privilege of furnishing to the citizens and inhabitants of the city of Mobile, water from the aqueduct or water-works aforesaid, at a sum or price which shall at no time be less than the following rates, to be paid by the person or persons receiving the same, and payable in advance :

To wit: twenty dollars for each family of six persons ; first, for each person in private dwellings, including servants (and persons from one to twelve years of age, to be estimated as two for one) two dollars per annum ; secondly, for retail grocery stores fifty dollars per annum, each ; third, for grocery stores where liquor is not retailed in quantities less than one quart, twenty-five dollars per annum ; fourth, for dry-goods stores without twenty dollars each ; fifth, for liquor stores doing the business of drawing off and bottling wine and other liquors, one hundred dollars each ; sixth, for coffee-houses, one hundred dollars each ; seventh, for oyster-houses, one hundred dollars each ; eighth, for confectioneries, fifty dollars each ; ninth, for a bath for a private family, five dollars each ; tenth, for a horse, three dollars each ; eleventh, for a carriage, three dollars each ; twelfth, for the use of ships, steamboats, vessels, and other water craft, per hogshead of 120 gallons, fifty cents each hogshead ; thirteenth,

for manufactories, hotels, taverns, boarding-houses, steam-mills, tan-yards, brick-yards, soda shops, livery stables, public baths, bakeries, dying, scouring and renovating establishments, not enumerated, may be supplied at an annual charge, according to the quantity of water that may be required, on such terms as the parties may agree; one hundred and twenty gallons for every twenty-four hours being estimated as the quantity consumed by a private family consisting of six grown persons, which said rates may be increased, raised and regulated by the said mayor and aldermen of the city of Mobile, or their successors in office from time to time, as may be deemed necessary and proper. And further, he, the said Henry Hitchcock, his executors, administrators and assigns, shall have the power to have, collect and receive from each and every person who shall take or receive water from the said water-works, the rates or prices per annum which may or shall be fixed and determined on by the said mayor and aldermen, or their successors in office; and further, shall have the power and authority to make such alterations and repairs upon the said works, and to erect such new works, and in such a manner as he may deem necessary and proper, and may at will change the fountain head, and conduct the water from any part of the Three Mile creek, so called, so that the same be good and wholesome, he, the said Henry Hitchcock, procuring at his cost the necessary ground for the reservoir or reservoirs, and that through which the pipes shall pass.

And the said mayor and aldermen of Mobile, for themselves and their successors in office, hereby further covenant and agree, that they will, at the expiration of the said term of twenty years, he the said Henry Hitchcock, his executors, administrators, or assigns, delivering up the said "water-works" and appurtenances in good order and repair, pay to him or them the actual cost and expenses which he or they shall have laid out and expended and which may be put upon the said works by him or them, or any of them, either by reason of repairs, or addition to the present works, or by alterations or improvements made

upon the said water-works during the said term of twenty years above stated.

In testimony whereof the mayor of the said city of Mobile, in the name and by the authority of the said mayor and aldermen of the said city of Mobile hath hereunto set his hand and seal of office, and the said Henry Hitchcock hath hereunto set his hand and seal the day and year first above written.

AN ACT to incorporate the Mobile Aqueduct Company.

Dec. 25th,
1837.

Books of
subscription
opened.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That books of subscription for the capital stock of the "Mobile Aqueduct Company" shall be opened at the mayor's office, in the city of Mobile, on the first Monday in January next, at ten o'clock in the morning and continue open from 10 A. M., to 3 o'clock, P. M., from day to day (Sunday excepted) till the sum of \$150,000 00 shall be subscribed, that said subscription shall be made under the superintendence of the mayor of the said city and any one of the aldermen, and in the absence of the mayor, of any two of the aldermen of said city.

Election of
officers.

SEC. 2. *And be it further enacted,* That so soon as \$100,000 00 shall be subscribed, the mayor of the said city shall notify the subscribers by giving ten days' notice thereof in one of the newspapers published in the said city of Mobile, at which time the said subscribers shall meet at the said mayor's office and choose by ballot a president and four directors, who shall serve until the first Monday in January next after their election, and until their successors shall be duly elected, which shall be done annually on the first Monday in January, at the office of the company, but should no election be held on that day in any year, the same may be held at any time hereafter, on giving ten days' notice as aforesaid, of the time and place, by the president or any three of the directors or stockholders.

SEC. 3. *And be it further enacted,* That the said capital stock of said company shall be divided into shares of fifty dollars each, and that ten dollars on each share subscribed shall be paid at the time of subscribing; \$15.00 in sixty days; \$15 00 in one hundred and twenty days, and \$10 00 in one hundred and fifty days thereafter, unless the directors shall give longer, which shall only be done upon receiving good security for the same, and should any subscriber fail to pay an installment as the same falls due, the amount paid thereon shall be forfeited to the company, and the stock so forfeited shall be re-sold as aforesaid.

SEC. 4. *And be it further enacted,* That from and after the first election, as provided by the 2d section of this Act, the said subscribers shall constitute a body politic and corporate, by the name and style of the "Mobile Aqueduct Company," and as such, shall be taken, known and held in law, and shall so continue until the first day of December, 1856, and until they shall have been purchased out by the corporation of the city of Mobile, as is hereinafter provided; during which period the said company shall have and enjoy all the rights, privileges, and immunities which are contained in the Act entitled, "An Act to incorporate an Aqueduct Company in the city of Mobile," passed the 20th day of December, 1820, which Act, except as modified by this Act, is hereby revived and declared to be in force, during the continuance of this Act.

SEC. 5. *And be it further enacted,* That the contract made and entered into by and between the mayor and aldermen of the city of Mobile, and Henry Hitchcock, on the first day of December, 1836, and which is recorded in the county clerk's office in Mobile, in which the said Henry Hitchcock became the lessee of the present city water-works, for the period of twenty years from the date thereof, be and the same is hereby recognized and confirmed; and upon the said Henry Hitchcock and his executors or administrators assigning the same to the company hereby incorporated, which he is hereby authorized to do the same in all its parts, shall inure to the benefit of said company, and the said company shall be subject to all the covenants

Capital stock, how divided.

Name. Powers.

Length of continuance.

Vested with the powers under Act 20th Dec., 1820.

Contract with Hitchcock ratified.

To inure to this company.

contained therein, to be performed by said Henry Hitchcock.

Board may appoint officers.

SEC. 6. *And be it further enacted*, That the said president and directors shall appoint a secretary and such other officers, engineers and agents as they may think proper, and the same to displace. They shall keep a journal and proper records of all their proceedings, which shall be subject to the inspection of the stockholders. A statement of the affairs of the company shall be laid before the stockholders at each annual election; semi-annual dividends of such portion of the profits as the directors shall think proper shall be declared and paid to the stockholders. The directors may make all needful rules and regulations relating to the management of the company, and the supply of water; and they shall be permitted the use of the streets in the city of Mobile, free of charge, for the purpose of laying down pipes for the conveyance of water.

May make rules.

May use the street.

Incorporations may subscribe.

SEC. 7. *And be it further enacted*, That the several incorporated banking and insurance companies in the city of Mobile, except the branch of the Bank of the State of Alabama, at Mobile, be, and they are hereby authorized to subscribe a sum not exceeding ten thousand dollars each, towards the capital stock of, said company.

How rights of company may be acquired by city of Mobile.

SEC. 8. *And be it further enacted*, That so soon after the first day of December, 1856, as the said corporation of Mobile shall pay to the said company the cost of the said works, in conformity with their contract before referred to with the said Henry Hitchcock, then this Act shall cease to operate, and not before; *provided*, that the said company shall have power to collect its debts, and wind up its affairs.

APPROVED Dec. 25th, 1837.

MOBILE, January 17th, 1838.

Letter of Henry Hitchcock to the city authorities in reference to the last Act.

To the Mayor and Aldermen of the City of Mobile :

GENTLEMEN :—I take the liberty to inclose a copy of a charter to incorporate the "Mobile Aqueduct Company," obtained by me at the last session of the legislature. By a reference to this Act it will be seen that the Act of 1820

is revived, that the contract made by the corporation with me is confirmed, and that the privileges of it are authorized to be transferred to the new company. To carry this into effect, I propose to assign the contract to the company upon the following terms :

1st. That the corporation take as stock the amount for which the works were sold to me, say \$26,000 00, and that they cancel the notes held by them, given by me, and that the corporation thereupon receive certificates of stock to the amount of \$26,000 00, or in case the corporation decline taking the stock, that I be allowed to subscribe the same, and I pay the notes.

2d. That the company take from me the piece of ground at the creek, $3\frac{35}{100}$ th acres, purchased for the location of the steam engine, and the supply of water, and also that purchased of Charles Steel, $2\frac{21}{100}$ th acres, for the site of a reservoir, at the prices I bought at, with the costs of surveys, &c., already made, and which amount in all to \$7,603 $\frac{44}{100}$.

3d. That the company pay me \$10,000 00 for the privilege of the charter, in stock of the company, at par.

Under these conditions, so soon as \$100,000 00 shall be subscribed by individuals, I hereby bind myself to assign the contract to the company.

Your ob't serv't,

HENRY HITCHCOCK.

The committee to whom was referred the proposition of Henry Hitchcock, Esq., on the subject of the city water-works, beg leave to report the following resolution, and to recommend its adoption :

Report of committee of the city authorities on Henry Hitchcock's communication.

Resolved, By the mayor and aldermen of the city of Mobile, that on the organization of the " Mobile Aqueduct Company," incorporated by Act of the legislature, and approved Dec. 25th, 1837, the city will invest the notes of H. Hitchcock, Esq., amounting to twenty-six thousand dollars, in the stock of said company, and for certificates of stock to that amount, will cancel or surrender to H. Hitch-

Resolution adopted thereon.

cock, the said notes given in payment for the lease and materials of the city water works.

GEORGE WALTON.

MOSES RYAN.

JOHN FOWLER.

J. B. TODD.

This resolution was adopted by the Board.

NEW ORLEANS, January 29th, 1838.

Letter of Albert Stein to Henry Hitchcock in reference to reservoir, steam engine and pumps.

HON. H. HITCHCOCK :

SIR :—You have again complimented me, by asking my opinion concerning “the best mode of introducing water from the Three Mile creek into the city of Mobile, the plan for the reservoir, steam engine and pumps, the length and bore of the main pipe, &c. &c., with the cost of the works, and their probable income.”

As to supply of water from Three Mile creek for 50,000 to 60,000 people, and sufficiency for cleaning streets and extinguishing fires.

I examined the creek last year, and found it to contain an abundant supply of excellent water—fully adequate to furnish a population of 50,000 or 60,000 persons with wholesome water for all domestic purposes, and at the same time to furnish an ample supply for all public objects, in cleaning streets and extinguishing fires.

As to the mode of introducing the water into the city.

The mode of introducing this water must be by constructing a reservoir about 1000 yards from the margin of the creek, where there is an eligible site ; the reservoir to be filled by forcing pumps, and the water so obtained to be conveyed to the city, as far as Dauphin street, by a main pipe, 2700 yards in length.

Engineer must make plan of reservoir, steam engine and pumps.

It would be invidious and useless for me to give a plan for the reservoir, steam engine and pumps, not to be constructed by myself. This must be left to the engineer actually engaged ; and their dimensions based on the quantity of water necessary for all public and private purposes.

As to the costs and income of the water-works

In considering the cost and income of the works, it will be necessary to recollect that 10,000 feet of cast iron pipes have already been laid, which can be rendered available ; and that there are 6000 feet 6-inch pipes on hand, thus considerably diminishing the outlay. And it will be equally essential to remember that, while the cost of materials and

labor are becoming gradually diminished, in the course of time, the demand for the water will be commensurate with the increased population of Mobile ; so that the cost of constructing and maintaining the works must be gradually lessened, while the revenue arising from their use will be as certainly augmented. The estimate of the cost and income must be based on a knowledge of these facts.

I send you a plan of your city, that you may perceive the necessary distribution of pipes through the streets, and also a profile of the line of pipes from the creek, where the engine and pump-house should be erected, to the site of the reservoir, thence to Dauphin, and along Dauphin to the river. From the creek to the reservoir, 1000 yards of pipes of 10-inch bore will be required, and the main pipe from the reservoir into the city should be 12-inch bore. The pipes required in Dauphin street, 1,350 yards, should be 10 and 8-inch bore, being for about 2,400 yards. Fire plugs are to be erected along the line of the pipes, for the purpose of extinguishing fires and washing streets, and stop-cocks placed to shut off the water from the pipes for repairs, making attachments or cleaning them. The mean height to which the water has to be raised from the creek into the reservoir, is 40 feet. The site for the reservoir is 20 feet higher than the highest ground in the city. I have made a minute enumeration of all required to raise and distribute 600,000 gallons per day, and an estimate accordingly, including the reservoir, the engine and pumps, and the pump-house. But it is not necessary to give you the particulars in detail. You may, however, rest assured that I have endeavored to be accurate in every particular, and you can be satisfied of the result thus briefly given of the probable cost :

Where the engine and pumps are to be erected

Site of the reservoir.

Fire plugs to extinguish fires and washing streets.

Water to be raised 20 feet higher than the highest point in the city. Costs to raise and distribute 600 000 gallons per day.

Accurate and particular statement by figures

Distribution of pipes agreeably to plan,	- -	\$65,171 50
Reservoir,	- - - - -	25,000 00
Engine and pump-house,	- - - - -	10,000 00
Engine and pumps,	- - - - -	12,000 00
Incidental expenses, etc.,	- - - - -	7,828 50
		120,000 00

The whole outlay, exclusive of the land for the house and reservoir, would therefore be \$120,000. The distribution (as set down) embraces a line of pipes from the pumps to the reservoir, thence to Dearborn in Dauphin street, thence along Dauphin street to the river. In Dearborn from Church street to Adams, and in Joachim street, the same distance, amounting in all to upwards of 425 miles of pipes including those necessary for fire plugs.

425 miles of pipe.

Income.

In ascertaining the probable income, we must calculate the annual cost of supplying the water, and the quantity of water likely to be required and consumed by the people of Mobile. As the creek water is of a very superior quality, and as all families capable of having it conveyed to their premises are almost certain to be customers, we may believe that at least 2000 will daily require its supply. Counting six persons in a family, and allowing each 30 gallons a day for every purpose, the quantity required per diem for consumption and supply will be 360,000 gallons.

2,000 families, with 6 persons in each; 30 gallons per day for each person.

To raise and distribute it will cost \$5,000 each year.

To raise such a quantity into the reservoir and distribute it through the streets and hydrants, would not cost more annually than \$5,000. And if a larger quantity be hereafter necessary, the annual cost will be very little increased, so that while an increased consumption of the water by families will certainly increase the profits of the works, the increased supply will augment their cost of maintenance. This difference must be greatly to the advantage of the corporation, and will be more sensibly felt in three or four years. At present, however, the probable income will be ascertained on the above data.

2,000 families, at \$20,	-	-	-	-	\$40,000 00
Annual cost,	-	-	-	-	5,000 00
					<hr/>
Receipt,	-	-	-	-	\$35,000 00
Interest on capital, \$200,000, at 6 $\frac{1}{4}$,	-	-	-	-	12,000 00
					<hr/>
Net income,	-	-	-	-	\$23,000 00

Net income on this basis.

Income will be greatly increased.

You will perceive that had I assumed that 2,500 families would require water, as in a very few years will be the case, or had I assumed 25 or 30 dollars as the annual average

charge for each family, the clear income would be much greater.

In conclusion, I am clearly of opinion that the works can be easily constructed ; that the creek can afford an abundant supply of limpid and soft water ; that the Mobilians will generally use it, and that the works will shortly bring a handsome income.*

I have the honor to be your most obedient,

ALBERT STEIN.

AN ACT for the promotion of the health and convenience of the City of Jan. 7, 1841.
Mobile, by the introduction into said City, of a supply of wholesome
Water, to be used for domestic purposes and the extinguishment of Fires.

SECTION 1. *Be it enacted by the Senate and House of* Agreement with Albert Stein, confirmed.
Representatives of the State of Alabama, in General Assembly convened, That the agreement made and executed by and between the mayor, aldermen and common council of the city of Mobile, of the one part, and Albert Stein, of the other part, bearing date the 26th day of December, A. D. 1840, be, and the same is hereby fully confirmed.

Articles of Agreement, made and entered into the Agreement made 26th Dec., 1840.
26th day of December, in the year one thousand eight hundred and forty, by and between the mayor, aldermen and common council of the city of Mobile, of the first part, and Albert Stein of the second part, witnesseth :

That the said mayor, aldermen and common council of the city of Mobile, for and in consideration of the covenants and agreements hereinafter contained, mentioned, and reserved on the part of the said Albert Stein, his executors, administrators and assigns, to be paid, kept, done and performed, have granted, and by these presents do grant unto the said Albert Stein, his heirs, executors, administrators or assigns, the sole privilege of supplying the city of Mobile with water from the Three Mile creek, for twenty years from the date of this agreement, as well as all the advantages and benefits which accrue to the said mayor, alder- Granting the privilege of supplying water from Three Mile creek for 20 years from date of this agreement.

* Henry Hitchcock died in August, 1839.

men and common council, from, by or under an Act of the legislature of the State of Alabama, entitled, "An Act to incorporate an Aqueduct Company, in the city of Mobile," passed December 20th, 1820, and all ordinances and resolutions passed by the said mayor, aldermen and common council, or by the mayor and aldermen of the city of Mobile, under and by virtue of the said Act, or by the Act of incorporation of the said city of Mobile, and the several Acts amendatory thereto, which in any way or manner relate to the said city water-works, or the right to supply said city with water, as well as all the benefits and advantages which accrue to the said mayor, aldermen and common council, or the mayor and aldermen of the city of Mobile, from, by, or under an Act of the legislature of the State of Alabama, entitled "An Act to incorporate the Mobile Aqueduct Company," passed December 23d, 1837, to have and to hold the above mentioned and described privileges, together with all and singular, the appurtenances unto the same belonging, or in any wise appertaining, unto the said Albert Stein, his executors, administrators and assigns, delivering up the said water-works and appurtenances in good order and condition, pay to him, his executors, administrators or assigns, their actual value as determined by six arbitrators, three to be chosen by the mayor, aldermen and common council of the city of Mobile, and three by the said Albert Stein, his executors, administrators or assigns: *provided*, that the said arbitrators shall not be members of the corporation of the city of Mobile. If they agree, and so report in writing, their award shall be binding on the respective parties, but in case of disagreement, the value of the works shall be left to the watering committee of the city of Philadelphia, or such committee of the city of Philadelphia, by whatever name, as may be charged with the water-works of said city, whose decision and award in writing, reported to the mayor, aldermen and common council of the city of Mobile, shall be binding and conclusive. The amount so agreed upon shall be paid on the same day on which the said award shall be reported, and the water-works, and all appurtenances

The benefit of the Act of 20th Dec., 1820 and the ordinances of the city.

And by the Act of incorporation.

And by the Act 23d Dec. 1837.

Value when delivered up to city to be determined by six arbitrators.

If they disagree, to be left to the water committee of Philadelphia

To be on day that award is made.

thereunto belonging, shall be delivered over to the corporation of the city of Mobile, by the said Albert Stein, his executors, administrators or assigns; and the said parties of the first part hereby covenant and agree with the said party of the second part, his executors, administrators and assigns, that he, his executors, administrators and assigns, shall have quiet possession of the said works during their erection, and after they shall be completed, for the said term of twenty years, and for any further time, until the said parties of the first part, or their successors in office, shall redeem said works from the said party of the second part, his executors, heirs, administrators or assigns, according to the aforesaid stipulation. And further, that they shall, as soon as possible, obtain from the legislature of the State of Alabama, an Act sanctioning this agreement and the stipulation thereof, as herein contained, with such other provisions as may be inserted by consent of the said parties. And the said mayor, aldermen and common council of the city of Mobile, for themselves, and their successors in office, hereby covenant and agree, (he, the said Albert Stein, his executors, administrators and assigns, well and truly complying with all and singular the within stipulations and agreements on his part to be done, performed, and complied with) that he and his executors, administrators and assigns, shall and may retain quiet possession of the said water-works for the said term of twenty years, without let, molestation or hindrance of the said mayor, aldermen and common council, or their successors in office, or any person or persons claiming by, through or under them. And that the said Albert Stein, his executors, administrators and assigns, shall, during the said term of twenty years or any further time, until said works are redeemed, as above stipulated, have the exclusive privilege of supplying to the citizens and inhabitants of the city of Mobile, water from the water-works aforesaid, at the sum or price which shall at no time exceed the following rates, to be paid by the person or persons receiving the water, *and payable in advance*, to wit:

Quiet possession until redeemed.

To be sanctioned by legislature of Alabama.

Quiet possession.

Exclusive privileges of supplying water from the water-works. Not to exceed rates here set forth

- For families of 6, \$20; for each additional, \$2; under 12 years, half price.
- Retail grocery, \$12.
- Retail grocery, where liquor is retailed, \$20 to \$50.
- Liquor stores \$30 to \$75.
- Stores, \$12.
- Baths, \$5.
- Horse, \$3.
- Carriage, \$2.
- Hogsheads for ships, &c. 50 cents.
- Coffee-houses, &c., an allowance to be agreed on.
- May collect as above.
- May conduct water from Three Mile creek, he paying for ground to place reservoir, engine and pump-house, &c.
- 1st. For every family consisting of six persons, twenty dollars per annum, and two dollars for every person additional (and persons from one to twelve years of age, are to be estimated as two for one.)
- 2d. For retail grocery stores, where liquor is not retailed, twelve dollars per annum.
- 3d. For retail grocery stores, where liquor is sold in quantities less than one quart, from twenty to fifty dollars per annum.
- 4th. For liquor stores, doing the business of drawing off and bottling wine and other liquors, from thirty to seventy-five dollars per annum.
- 5th. For stores without families, offices, &c., twelve dollars per annum.
- 6th. For baths for private families, five dollars each, per annum.
- 7th. For a horse, three dollars per annum.
- 8th. For a carriage, three dollars per annum.
- 9th. For the use of ships, steamboats, vessels, and other water craft, per hogshead of 120 gallons, fifty cents each.
- 10th. For coffee-houses, oyster-houses, confectioneries, manufactories, hotels, taverns, boarding-houses, steam-mills, tan-yards, brick-yards, soda shops, livery-stables, public baths, bakeries, dyeing, scouring, and renovating or other establishments not herein enumerated, may be supplied at an annual charge, according to the quantity of water that may be required, on such terms as the parties may agree upon.
- And further, the said Albert Stein, his executors, administrators and assigns, shall have the power to collect and receive from each and every person or persons, who shall take and receive water from the water-works, the foregoing rates or prices per annum, and further shall have power and authority to conduct the water from any part of the "Three Mile creek" so called, so that the same may be good and wholesome, he, the said Albert Stein, his executors, administrators or assigns procuring at his or their cost, the necessary ground for the reservoir, engine and pump house, and that through which the pipes shall pass.

And the said Albert Stein, for himself and his executors, administrators and assigns, doth hereby covenant and agree to and with the said party of the first part, and their successors in office, that he will introduce the water into the city of Mobile within the space of two years from the date hereof, so that the said city of Mobile and the inhabitants thereof may at all times be supplied *with such a quantity of water as may be procured through the said pipes as far as they are laid*; and further, the said Albert Stein covenants and agrees as aforesaid, to surrender up the said water-works, and all the appurtenances thereto, to the said mayor, aldermen and common council, or their successors in office, at the expiration of the said term of twenty years from the date hereof, they, the said mayor, aldermen and common council, or their successors in office paying the said Albert Stein the value of the works determined as before mentioned.

To be introduced within 2 years.

Shall at all times, supply sufficient water.

And further, the said Albert Stein covenants and agrees at all times during the said term of twenty years, to suffer and permit the said mayor, aldermen and common council of the city of Mobile and their successors in office, to use two fire plugs and no more, at all times, within said city, where the pipes are laid down as often as may be necessary for washing the gutters of the streets, and in case of a conflagration or fire of buildings, as much water as may be necessary from any and all parts of the works. And further, the said Albert Stein, for himself, his executors, administrators and assigns, doth hereby covenant and agree, to and with the said party of the first part, that he will pay or cause to be paid unto the said mayor, aldermen and common council, or their successors in office, for the pipes which they have on hand and those laid in the ground, *which may be found fit for use*, the same rates and prices, and on the same terms as pipes of the same size and quality may be procured at, to be delivered in Mobile at the time when he, the said Albert Stein, may take into possession and use the said pipes now belonging to the said mayor, aldermen and common council.

City to use two fire plugs at all times, for washing gutters.

And in case of fire as much as is necessary, from all parts of works.

Stein shall pay for pipes same rate that city paid.

Old water-works to be abandoned.

And further it is understood between the contracting parties hereto, that as soon as the water is introduced under this agreement, the present water-works shall be abandoned and totally discontinued.

Shall be 4 fire plugs to each square of ground.

And further, the said Albert Stein doth hereby covenant and agree to place and so arrange the fire plugs that there shall be four fire plugs to each square of ground where the pipes are laid.

Water for guard house and city hospital, free.

It is further stipulated, understood and agreed, that the party of the second part, his executors, administrators or assigns, will grant to the corporation the use of the water for the city hospital and guard house free of charge.

Forfeited, if not introduced within 2 years.

It is further agreed and understood between the parties hereto, that if the party of the second part does not introduce the water into the city within two years from the date of this contract, he will forfeit not only the privilege and advantages of this contract, but also all improvements and expenses that he may have incurred, the same to inure to the use and benefit of the city.

To be commenced within one year after Act of legislature.

It is further understood and agreed between the parties hereto, that the party of the second part hereby covenants and binds himself, his heirs, executors, administrators and assigns, in the penal sum of ten thousand dollars, that he will commence the aforesaid works within one month after obtaining the consent of the legislature of the State of Alabama, to the stipulations, agreements and transfers herein made and contained, and that he will prosecute said works to completion with due speed and diligence.

Signed,

EDWARD HALL, *Mayor*.

ALBERT STEIN.

Per. pro LEWIS TROOST.

Signed—attest :

[SEAL.]

H. P. ENSIGN, *Clerk*.

Per. pro JNO. P. REMY.

Powers and privileges under Act of 29th Dec., 1820, not inconsistent with contract transferred to Stein.

SEC. 2. *And be it further enacted,* That all the rights, powers, privileges and immunities which were granted the Mobile Aqueduct Company, and to the mayor and aldermen of the city of Mobile, by an Act of the general assembly of the State of Alabama, passed on the 20th day

of December, 1820, not inconsistent with the terms of the beforementioned agreement be, and the same is hereby granted, vested in and confirmed to the said Albert Stein and assigns.

SEC. 3. *And be it further enacted*, That all the rights, powers, privileges and immunities which were granted to the Mobile Aqueduct Company, and to the mayor and aldermen of the city of Mobile by an Act of the general assembly of the State of Alabama, passed on the 25th day of December, 1837, not inconsistent with the terms of the beforementioned agreement be, and the same are hereby granted, vested in and confirmed to the said Albert Stein and his assigns.

Same as to
Act 25th
Dec., 1837.

SEC. 4. *And be it further enacted*, That the said Albert Stein and his assigns, by themselves and their agents, shall have full power and authority to use such of the public roads in the county of Mobile as may be in the direct route between the reservoir and fountain head of the water-works hereby to be erected, and the city of Mobile, for the purpose of laying the pipes for conducting the water into said city free from all charge or claim for damage therefor: *provided*, that the said Albert Stein and his assigns shall, at their own proper cost and charge, keep and preserve any portion of any of the said public roads, so used by them as aforesaid, in full and complete repair so long as the same may be used by them as aforesaid.

Privilege of
using roads.

SEC. 5. *And be it further enacted*, That the said Albert Stein and his assigns shall have full power and authority to dispose of any and all of the aforesaid privileges, rights and immunities by deed, and that the said Albert Stein and his assigns may mortgage the said privileges, rights and immunities, by deed, to all and every person or persons whatsoever, and that the grantees of said Albert Stein and his assigns shall take and enjoy all and every right, privilege and immunity which the said Albert Stein might or could enjoy by virtue of the aforesaid agreement, and this Act, whether the same be granted absolutely or by way of mortgage or pledge.

May assign
mortgage or
transfer.

APPROVED January 7th, 1841.

Dec. 25th, 1841. AN ACT to be entitled an Act to amend an Act passed the 7th day of January, 1841, entitled An Act for the promotion of the Health and Convenience of the City of Mobile, by the introduction into said City, of a supply of wholesome Water, to be used for domestic purposes, and for the extinguishment of Fires.

Duty of judge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for Albert Stein, his executors, administrators and assigns, as often as it may be necessary, during the continuance of the privileges granted in the Act to which this Act is amendatory, to apply at any time to the judge of the county court of Mobile county, or in his absence to the clerk thereof, for a writ of *ad quod damnum*, which it shall be the duty of the said judge or clerk to issue immediately on such application, directed to the sheriff of Mobile county, commanding him to summon the proprietors of land at any point on the Bayou Chatogue or Three Mile creek, at which the said Albert Stein, his executors, administrators or assigns, shall conclude to fix his or their aqueduct, dams or reservoir, and also the proprietors of lands above and below the said points on the said bayou and creek, who may claim compensation for damages, in consequence of the said works, and also to summon a jury of seven discreet freeholders of the said county to view the said premises, at a time not exceeding ten days from the issuing of the writ aforesaid; and the jury shall examine the banks of the stream above and below the said points, and shall ascertain what amount of damage the said proprietors may sustain by the withdrawal of water or otherwise in consequence of the erection of the said works. And if the said Albert Stein, his executors, administrators and assigns, shall require any land for the use of his canal or ditches, or through which to pass his pipes, or for any of the purposes authorized by the Act to which this is amendatory, then the said jury shall ascertain the damage that the owner of the said land may sustain in consequence thereof; and it shall be the duty of the sheriff to return the verdict or verdicts of the said jury to the clerk of the county court, as soon as the same shall have been agreed upon by the said jury, or a majority of the same.

Jury.

Damages ascertained.

SEC. 2. *And be it further enacted,* That any of the parties interested may, within ten days after the return of the said inquisition as aforesaid, except to the award of the said jury; and if within that time no exceptions to the said award shall be filed with the clerk of the said county court, then the judge of the said court shall forthwith make an order or decree, which shall vest absolute rights and ownership in the said Albert Stein, his executors, administrators and assigns, in and to the land, water, privilege or right that shall have been condemned by the said jury, and in the said proprietors to the money that shall have been assessed: *provided,* that if the said Albert Stein shall not fulfill the decree within thirty days from the entry of the same, he shall take no benefit therefrom.

SEC. 3. *And be it further enacted,* That if exceptions to the said award be filed as aforesaid, the same shall be heard and decided on by the said judge, at the next session of the court for testamentary or orphan business, or on some day appointed by the said judge, of which all parties interested shall have due notice. And the parties excepting may, at the hearing, propound his interest, and exhibit and prove the damage he may sustain, and the said judge may examine and decide upon all matters put in issue, and may, upon the application of either party, cause a jury to be impaneled, to determine any issue of fact in the cause, and either party may subpoena witnesses, the cost of whose attendance, as well as the costs of the appeal, shall be borne by the party against whom the judge may decide.

SEC. 4. *And be it further enacted,* That it shall be the duty of the sheriff to administer an oath to the said jurors, as in other cases of the execution of the said writ.

SEC. 5. *And be it further enacted,* That it shall always be lawful for the said Albert Stein, his executors, administrators and assigns, instead of the writ of "*ad quod damnum,*" allowed by the first section of this Act, to agree with the said proprietors, or any of them, upon the appointment of three arbitrators, and to apply to the said judge, or the clerk of the said court in his absence, by petition, stating the land, water, privileges or rights to be condemned.

and the willingness of the parties to refer the matter to the said arbitrators, and thereupon the said judge or clerk shall forthwith issue an order to the said arbitrators, stating the matter to them referred, and commanding them to view the premises, and ascertain the damages which may be sustained within ten days from the issuance of the said order, and to return their award to the said clerk. And it shall be the duty of the said arbitrators to ascertain the damage in the same manner as the jury are directed to do in the first section of this Act, and the said arbitrators, or a majority of them, shall make their award and return the same to the said clerk within five days after viewing the premises, and the same proceedings shall be sued upon the return of the said award, as are directed to be had upon the return of the inquisition in the second and third sections of this Act.

Arbitrators
sworn.

SEC. 6. *And be it further enacted*, That the said arbitrators, before entering upon the investigation of the matters referred to them, shall take an oath or affirmation impartially to determine the matter to them submitted, according to the equity of the case, to the best of their judgment, without favor or affection, which oath shall be administered by the said clerk or any justice of the peace.

APPROVED December 25th, 1841.

Feb'y 4th,
1846.

AN ACT in aid of a Contract entered into between Albert Stein, and the Mayor, Aldermen, and Common Council of the City of Mobile.

Further
privileges
extended to
sue before
justice for
water rents.
&c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this Act, in addition to the other privileges heretofore granted to the Mobile Aqueduct Company, to the Mobile Water-Works Company, and to Albert Stein, and his associates, the present proprietors of the said works and privileges, it shall and may be lawful for the said Albert Stein, his associates and assigns, to proceed to collect before any justice of the peace in Mobile county, or any court of competent jurisdic-

tion in the State of Alabama, all such dues, demands, forfeitures, rents, sum and sums of money, as he, the said Albert Stein, his associates and assigns, may be entitled to by reason of the provisions of the contract made between him and the mayor, aldermen, and common council of the city of Mobile, by virtue of an Act of the senate and house of representatives of the State of Alabama, passed on the seventh day of January, eighteen hundred and forty-one, in like manner, as the said dues, and demands, rents, forfeitures, sum and sums of money, might heretofore have been collected before the mayor of the city of Mobile.

SEC. 2. *And be it further enacted,* That from and after the passage of this Act, that all the jurisdiction which has heretofore been vested in the mayor of the city of Mobile, touching and regarding the said Mobile Aqueduct Company, the said Mobile Water-Works Company, and the said Albert Stein, his associates and assigns, may be exercised by any justice of the peace for the county of Mobile, as fully and entirely as the said jurisdiction might have heretofore been exercised by the mayor of the city of Mobile.

Justice of peace to have same jurisdiction as mayor, of water demands.

APPROVED 4th February, 1846.

GAS LIGHT CONTRACT.

This indenture, made and executed the twentieth day of September, in the year of our Lord, one thousand eight hundred and thirty-six, by and between James H. Caldwell, of the city of New Orleans, and State of Louisiana, of the first part, and the mayor and aldermen of the city of Mobile, of the second part, witnesseth: that the said James H. Caldwell, the party of the first part, for and in consideration of the covenants, agreements, and stipulations hereinafter contained, reserved and expressed, hath covenanted and agreed, and by these presents doth covenant and agree,

Gas contract with James H. Caldwell, Sept. 20th, 1836.

with the said mayor and aldermen of the city of Mobile, the party of the second part, that he, the said party of the first part, will, within the space of two months from the date of this indenture, commence the erection of works for the purpose of lighting the city of Mobile with gas, and also, that he will, within the space of eighteen months from the date hereof, complete the said works for lighting the said city of Mobile with gas in such manner as the mayor and aldermen of the said city of Mobile may direct. And the said James H. Caldwell, the party of the first part, doth hereby covenant and agree with the said party of the second part, that he will furnish and supply for the said city of Mobile, a sufficient quantity of gas to light the said city (at all times) when necessary and required of him, and to conduct the said gas in pipes, and render the same useful for lighting the said city to and at all points and places, wherever the said mayor and aldermen of the city of Mobile, or their successors in office, shall direct the same to be used : *provided*, the said James H. Caldwell, the party of the first part, shall not be compelled to lay pipes to any place south of Canal street, north of Adams street, west of Broad street, or east of the eastern end of the wharf on the river Mobile, or at the eastern end of the streets leading to said river, where no wharves are erected, unless the interest of the money necessarily expended in extending pipes and conducting gas beyond the said limits, shall be repaid to him by the receipts and profits arising out of said extension. And the said James H. Caldwell further agrees and covenants with the said mayor and aldermen of the city of Mobile, that he will furnish to and for the use of the said city of Mobile, lamps and lamp-posts, properly fitted and ready for the use of the said city of Mobile, at such and all places, and at such and all times, wherever and whenever he may be required to do so by the mayor and aldermen of the city of Mobile, and their successors in office, in such manner and of equal value, and of the same materials and workmanship with those furnished by the Gas Light and Banking Company of the city of New Orleans, to and for the use of the said city of New Orleans. And the said James H. Caldwell, for himself, his

Shall light
all parts of
city, when
required.

Except.

Shall furnish
lamps and
lamp-posts.

Of like value,
&c., with
those
furnished in
New Orleans

heirs, executors, administrators and assigns, further agrees and covenants that he will continue to light the city of Mobile with gas in the manner above specified, for, during and until the full term, space and expiration of thirty years from the date of this indenture, and will, at his own proper costs and charges, keep in good and perfect order and repair, all the lamps, lamp-posts and all other fixtures or materials necessary to the successful lighting of the said city of Mobile with gas, in the manner as above specified. And the said mayor and aldermen of the city of Mobile, the party of the second part, for themselves and their successors in office, hereby covenant and agree with the said James H. Caldwell, the party of the first part, that he, the said James H. Caldwell, his heirs, executors, administrators and assigns, shall have, enjoy and possess the sole and exclusive privilege of laying pipes in and across the streets and public buildings of the said city of Mobile, for conducting gas, for, during, and until the full term, space and expiration of thirty years from the date of this indenture ; and the said mayor and aldermen of the city of Mobile, for themselves and their successors in office, further agree, that they will pay the said James H. Caldwell, his heirs, executors, administrators or assigns, the sum of forty dollars for each and every lamp and lamp-post completed, which he may be required to place in any part of the said city of Mobile, by them or their successors in office, and further, they hereby bind themselves and their successors in office to pay the said James H. Caldwell, his heirs, executors, administrators or assigns, the sum of thirty dollars for keeping in repair and lighting each and every lamp which they may require him to place for public use in any part of the city of Mobile, said sum of thirty dollars to be paid for each and every lamp per annum. And it is further agreed and understood by and between the said parties to this indenture, that the said James H. Caldwell, his heirs, executors, administrators or assigns, shall and will, at no time during the said term of thirty years, charge or require of the citizens of Mobile, or any of them, a higher rate for furnishing them with gas light in their private houses, or for their private uses, than is charged at

Continue for
30 years.

Shall be
kept in good
order.

Shall have
exclusive
privilege.

Shall pay
\$40 for each
lamp and
post.

And \$30 for
each year.

No higher
rates than
are charged
in New Or-
leans.

the same time to the citizens of New Orleans by the Gas Light and Banking Company of New Orleans.

In witness whereof the said James H. Caldwell hath hereunto set his hand and seal, and the mayor of the said city of Mobile, for and in behalf of the said mayor and aldermen of the city of Mobile, hath hereunto set (his hand) and caused the seal of the said corporation to be affixed, the day and year first above written. Signed, sealed and delivered in presence of

JAMES H. CALDWELL, [SEAL.]
G. W. OWEN, *Mayor City of Mobile.*

Attest :

J. H. HYDE, *City Clerk.*

STATE OF ALABAMA, }
CITY AND COUNTY OF MOBILE. }

Acknowledg-
ment.

Before me, John Alexander Stuart, a notary public for said county, duly commissioned and sworn, personally came and appeared James H. Caldwell, who acknowledged that he signed, sealed and delivered the within indenture to the mayor and aldermen of the city of Mobile, and George W. Owen acknowledged that he signed the same in behalf of the mayor and aldermen and caused the seal of the said city of Mobile to be affixed thereto, on the day and year, and for the uses and purposes therein named.

[SEAL.] Given under my hand and seal notarial, the 20th
September, 1836.

J. A. STUART, N. P.

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I N D E X .

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