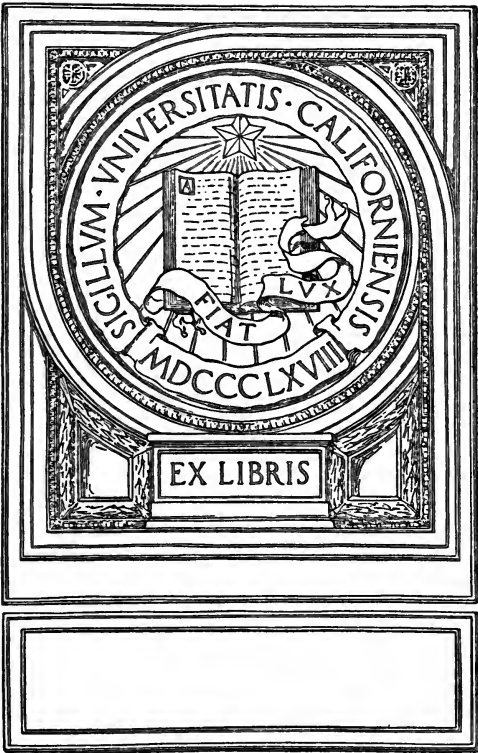


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ORDINANCES

OF THE

CORPORATION

OF THE

City of Richmond,

STATE OF
CALIFORNIA

ACTS OF ASSEMBLY

RELATING THERETO

PUBLISHED BY AUTHORITY OF THE COMMON COUNCIL

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ACTS OF ASSEMBLY,
RELATING TO THE
CITY OF RICHMOND.

CHAPTER I.

An Act, for establishing the Town of Richmond, in the county of Henrico; and allowing Fairs to be kept therein.

[May, 1742. Ch. 20. 5 Stat. Lar. 191.]

1. FORASMUCH as it hath been represented to this Assembly, that the honourable William Byrd, Esquire, hath lately laid out a parcel of his lands, at the falls of James river, in the county of Henrico, in lots and streets, for a town, by the name of Richmond, and made sale of most of the said lots, to divers persons, who have since settled and built thereon, and that the said William Byrd intends speedily to lay out other part of his adjacent lands, into lots, and streets, to be added to and made part of the said town; and is willing that part of his lands, situate between the said town and Shoccoe's creek, and the river, shall remain and be, as and for a common, for the use of the inhabitants of the said town, for ever. And also, that the said town lies very convenient for trade and navigation, being at the uppermost landing upon the river, where the public warehouses are built: But, because the same was not laid out and erected into a town, by act of Assembly, the freeholders and inhabitants thereof will not be entitled to the like privileges enjoyed by the freeholders and inhabitants of other towns in this colony:

2. *Be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said piece or parcel of land, lately belonging, or now belonging, to the said William Byrd, Esq. lying and being at the falls of James river, on the north side of the said river, in the county of Henrico aforesaid, be and is hereby constituted, appointed, erected, and established, a town, in the manner it is already laid out, or shall be laid out, by the said William Byrd, in lots, and streets, to be called by and retain the name of Richmond: And that the freeholders of the said town, shall, forever hereafter, enjoy the same rights and privileges, which the freeholders of other towns erected by act of Assembly, in this colony, have and enjoy. And that the said William Byrd, and his heirs, stand seized in fee-simple, of the lands lying and being between the present southern bounds of the said town, and the river, bounded to the eastward by a line, to be run a strait course, from the present extreme bounds of the said town to

strike the river; and on the westward, by a line, to be run from the end of the present westward street, beyond the lot numbered [1] a straight course, to strike Shoccoe's creek, thence down the said creek to the River, and then by the river; to remain and be, as and for a common, for the use and benefit of the inhabitants of the said town, for ever.

3. And whereas allowing fairs to be kept in the said town of Richmond, will be very commodious to the inhabitants of that part of this colony, *Be it further enacted, by the authority aforesaid,* For the future, two fairs shall and may be annually kept and held, in the said town of Richmond, on the second Thursday in May, and the second Thursday in November; in every year; each to continue for the space of two days, for the sale and vending of all manner of cattle, victuals, provisions, goods, wares and merchandises whatsoever: On which fair days, and on two days next before, and two days next after each of the said fairs, all persons coming to, being at, or going from the same, together with their cattle, goods, wares, and merchandises, shall be exempt and privileged from all arrests, attachments, and executions, whatsoever, except for capital offences, breaches of the peace, or for any controversies, suits, and quarrels, that may arise and happen, during the said time; in which cases process may be immediately issued, and proceedings thereupon had, in the same manner as if this act had never been made: Any thing herein before contained, or any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

4. *Provided always,* That nothing herein contained, shall be construed, deemed, or taken, to derogate from, alter, or infringe the roial power and prerogative, of his majesty, his heirs, or successors, of granting to any person or persons, body corporate or politick, the privilege of holding fairs or markets, in such manner, as he or they, by his or their roial letters patent, or by his or their instructions to the governor, or commander in chief, of this dominion, for the time being, shall think fit.

5. *And be it further enacted, by the authority aforesaid,* That this act, as to so much thereof as relates to the holding fairs in the said town of Richmond, shall continue and be in force four years, from the passing thereof, and from thence to the end of the next session of Assembly; and no longer.

CHAP. II.

An Act, to prevent the building and repairing wooden chimnies, in the town of Richmond.

[Sept. 1744, Ch. 34, 5 Stat. Lar. 274.]

1. FORASMUCH as it hath been represented to this Assembly, by the inhabitants of the town of Richmond, in the county of Henrico; that they are often in great and imminent danger of having their houses and effects burnt and consumed, by reason of many wooden chimnies in the said town:

2. *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall not, hereafter, be lawful for any person whatsoever, to erect or build, or cause to be erected or built, in the said town, any wooden chimney; neither shall it be lawful for any person whatsoever after the expiration of three years, after the passing of this act, to make use of any wooden chimney already erected in the said town: And the owners or proprietors of all such wooden chimnies as now are in the said town, shall, before the expiration of the time aforesaid, wholly destroy and disuse the same, or cause them to be pulled down; otherwise it shall be lawful for the sheriff of the said county of Henrico, and he is hereby required to cause all such wooden chimnies to be pulled down and demolished: And in like manner it shall be lawful for the said sheriffs, and they are hereby required to cause to be pulled down and demolished, all other wooden chimnies, which shall be built and erected in the said town, in breach of this act.*

CHAP. III.

An Act, for appointing Trustees for the towns of Richmond and Falmouth.

[February, 1752, Ch. 34, 6 Stat. Larg. 281.]

1. WHEREAS the inhabitants of the town of Richmond, in the county of Henrico, have represented to this present General Assembly, that they labour under great inconveniences, for want of trustees to lay off and regulate the streets, and to settle the bounds of the lots in the said town:

2. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, the honourable Peter Randolph, Esq. William Byrd, Esq. William Randolph, Bowler Cocke, the younger, Richard Randolph, Thomas Atchison, Samuel Gleadowe, Samuel DuVal, and John Pleasants, Gentlemen, be constituted and appointed trustees for the said town; and they, or any five or more of them, are hereby authorised and impowered, from time to time, and at all times hereafter, to lay off and regulate the streets of the said town, and to settle and determine all disputes concerning the bounds of the lots of the said town, and to settle and establish such rules and orders, for the more regular and orderly building of the houses in the said town, as to them shall seem best and most convenient.*

3. *And be it further enacted, by the authority aforesaid, That in case of the death, removal out of the country, or other legal disability of any one or more of the trustees before named, it shall and may be lawful for the surviving or remaining trustees, from time to time, to elect and choose so many other persons, in the room of those*

so dead or removed, as shall make up the number of nine, which trustees so chosen shall be, to all intents and purposes, vested with the same power as any other in this act particularly nominated and appointed.

CHAP. IV.

An Act, for establishing towns at Rocky Ridge, Gloucester court-house, and Layton's warehouse, and for other purposes therein mentioned.

[November, 1769, Ch. 60, 8 Stat. Lar. 421.]

2. *And be it further enacted, by the authority aforesaid,* That the said piece or parcel of land, at Shoccoes aforesaid, on the north side of the falls of James river, in the county of Henrico aforesaid, be added to and made part of the said town of Richmond; and that the freeholders and inhabitants thereof shall be intitled to and enjoy all the rights and privileges granted to and enjoyed by the freeholders and inhabitants of the town of Richmond, and be subjected to the same rules and restrictions.

5. And whereas there are five tenements in the town of Manchester, and six adjoining the said town of Richmond, which are included in the surveys of the said towns; and are part of the same, which are vacant lands, and were allotted to sundry tenements known by the names of Lyle's, Buchanan's, Stuart's, Gun's, and Todd's, in the town of Manchester, and M'Pherson's, Coutt's, Ross's, James Buchanan's, M'Dowell's, and Younghusband's, adjoining to the town of Richmond, and it may be of advantage to the proprietors of the said tenements to lay off the same into half acres: *Be it enacted, by the authority aforesaid,* That if, at any time hereafter, the proprietors of the said tenements shall lay off the said vacant tenements into lots and streets, agreeable to the other streets and lots in the said towns, in manner before directed, in that case the owner or owners of such half acre lots shall be intitled to the same privileges, and subject to the same rules and regulations, as the other freeholders of the said towns are and shall be.

CHAP. V.

An Act, to establish and enlarge the power of the trustees of the town of Richmond, in the county of Henrico, and for other purposes.

[March, 1773, Ch. 6, 8 Stat. Lar. 655.]

1. WHEREAS it hath been represented to this present General Assembly, by the inhabitants of the town of Richmond, in the county of Henrico, that only three of the trustees appointed by act of

Assembly for the said town are now living, that the legality of the election of the other trustees hath been questioned, and that it is necessary to establish and enlarge the power of the trustees of the said town: *Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing of this act, the honourable William Byrd, Esquire, Richard Randolph, Samuel Du-Val, Richard Adams, Robert Brown, George Donald, Turner Southall, Patrick Coutts, Archibald Bryce, William Randolph, and James Buchanan, Gentlemen, be and they and every of them are hereby constituted directors and trustees for building, carrying on, and maintaining said town; and they, or any six of them, shall have power to meet as often as they shall think necessary for appointing a public quay, and such places upon the river for public landings as they shall think most convenient, and if the same shall be necessary, shall direct the making of wharfs and cranes at such public landings for the public use.

2. *And be it further enacted, by the authority aforesaid,* That the said directors shall have full power and authority to establish such rules and orders for the more regular placing the said houses as to them shall seem fit from time to time; and if the inhabitants of the said town shall fail to obey and pursue the rules and orders of the said directors in repairing and amending the streets, landings, and wharfs, they shall be liable to the same penalties as are inflicted for not repairing the highways in this colony.

3. And for continuing the succession of the said trustees and directors, *Be it further enacted, by the authority aforesaid,* That in case of the death of any of the said directors, or their removal, or refusal to act, the surviving or other directors, or the major part of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing, under their respective hands and seals, to nominate some other person or persons, being a freeholder of the said town, in the place of him or them so dying, removing, or refusing, which new director or directors, so nominated and appointed, shall, from thenceforth, have the like power and authority in all things relating to the matters herein contained, as if he or they had been expressly named and appointed in and by this act; and every such instrument and nomination shall, from time to time, be entered and registered in the books of the said directors.

4. *And be it further enacted, by the authority aforesaid,* That it shall not be lawful for any person whatsoever to erect or build, or cause to be erected or built, in the said town, any wooden chimney; and if any person shall presume to erect or build any wooden chimney, contrary to the directions of this act, it shall and may be lawful for the sheriff of the said county, and he is hereby required to cause such chimney to be pulled down and demolished.

5. And whereas it is represented to this Assembly that great numbers of hogs and goats are raised and suffered to go at large in the said town of Richmond, to the great prejudice of the inhabitants thereof: *Be it further enacted, by the authority aforesaid,* That

from and after the twentieth day of January next, it shall not be lawful for any person or persons, inhabiting within the said town, to raise or keep any swine or goats within the limits thereof, and suffer the same to go at large therein; and if any swine or goats so raised or kept shall be found going or running at large within the said town, it shall and may be lawful for any person to kill and destroy the same. *Provided always*, that such person shall not convert any such swine or goat to his or her own use, but shall leave the same in the place where it shall be killed, and give immediate notice to the owner thereof, if known, and if not, then such person shall immediately inform the next Justice of the Peace thereof, who may order the same to the use of any poor person or persons, he shall think fit.

6. And whereas so much of the act of Assembly, made in the fifteenth year of the reign of his late majesty king George the second, intituled, An act for establishing the town of Richmond, in the county of Henrico, and allowing fairs to be kept therein, as relates to holding fairs, is long since expired, and the same, if revived, may be a means of increasing the trade of the said town: *Be it therefore further enacted, by the authority aforesaid*, That so much of the said recited act as relates to the holding fairs in the said town of Richmond, shall be and is hereby revived, and shall continue and be in force, from and after the passing of this act, for and during the term of seven years, and from thence to the end of the next session of Assembly.

CHAP. VI.

An Act, for the removal of the Seat of Government.

[May, 1779, ch. 21, 10 Stat. Larg. 85.]

1. WHEREAS great numbers of the inhabitants of this Commonwealth must frequently and of necessity resort to the seat of government where general assemblies are convened, superior courts are held, and the Governour and Council usually transact the executive business of government; and the equal rights of all the said inhabitants require that such seat of government should be as nearly central to all as may be, having regard only to navigation, the benefits of which are necessary for promoting the growth of a town sufficient for the accommodation of those who resort thereto, and able to aid the operations of government: And it has been also found inconvenient in the course of the present war, where seats of government have been so situated as to be exposed to the insults and injuries of the publick enemy, which dangers may be avoided and equal justice done to all the citizens of this Commonwealth by removing the seat of government to the town of Richmond, in the county of Henrico, which is more safe and central than any other town situated on navigable water: *Be it therefore enacted by the General Assembly*, That six whole squares of ground surrounded each of them by four streets, and containing all the

ground within such streets, situate in the said town of Richmond, and on an open and airy part thereof, shall be appropriated to the use and purpose of publick buildings: On one of the said squares shall be erected, one house for the use of the General Assembly, to be called the Capitol, which said Capitol shall contain two apartments for the use of the Senate and their clerk, two others for the use of the House of Delegates and their clerk, and others for the purposes of conferences, committees and a lobby, of such forms and dimensions as shall be adopted to their respective purposes: On one other of the said squares shall be erected, another building to be called the Halls of Justice, which shall contain two apartments for the use of the Court of Appeals and its clerk, two others for the use of the High Court of Chancery and its clerk, two others for the use of the General Court and its clerk, two others for the use of the Court of Admiralty and its clerk, and others for the uses of grand and petty juries, of such forms and dimensions as shall be adopted to their respective purposes; and on the same square last mentioned shall be built a publick jail: One other of the said squares shall be reserved for the purpose of building thereon hereafter, a house for the several executive boards and offices to be held in: Two others with the intervening street, shall be reserved for the use of the Governour of this Commonwealth for the time being, and the remaining square shall be appropriated to the use of the publick market. The said houses shall be built in a handsome manner with walls of brick or stone, and porticoes where the same may be convenient or ornamental, and with pillars and pavements of stone. There shall be appointed by joint ballot of both houses of assembly, five persons to be called the directors of the publick buildings, who, or any three of them shall have power to make choice of such squares of ground, situate as before directed, as shall be most proper and convenient for the said publick purposes, to agree on plans for the said buildings, to employ proper workmen to erect the same, to superintend them, to procure necessary materials by themselves or by the board of trade, and to draw on the treasurer of this Commonwealth, from time to time, for such sums of money as shall be wanting; the plans and estimates of which shall be submitted to the two houses of assembly whensoever called for by their joint vote, and shall be subjected to their controul. And that reasonable satisfaction may be paid and allowed for all such lots of ground as by virtue of this act may be taken and appropriated to the uses aforesaid, the clerk of the county of Henrico, is hereby empowered and required on requisition from the said directors, to issue a writ in nature of a writ of *ad quod damnum*, to be directed to the sheriff of the said county, commanding him to summon and empanel twelve able discreet freeholders of the vicinage no ways concerned in interest in the said lots of land, nor related to the owners or proprietors thereof, to meet on the said lots on a certain day to be named in the said writ, not under five nor more than ten days from the date thereof, of which notice shall be given by the sheriff to the proprietors and tenants of the said lots of land if they be to be found within the county, and if not, then to their agents therein if any they have, which freeholders taking nothing on pain of being discharged from the inquest and im-

mediately imprisoned by the sheriff, either of meat or drink from any person whatever from the time they came to the said place until their inquest sealed shall be charged by the said sheriff impartially, and to the best of their skill and judgment to value the said lots of ground in so many several and distinct parcels as shall be owned and held by several and distinct owners and tenants, and according to their respective interest and estates therein; and if the said valuation cannot be completed in one day, then the said sheriff shall adjourn the said jurors from day to day until the same be completed; and after such valuation made, the said sheriff shall forthwith return the same under the hands and seals of the said jurors to the clerk's office of the said county, and the right and property of the said owners and tenants in the said lots of land, shall be immediately divested and be transferred to this commonwealth in the full and absolute dominion, any want of consent or disability to consent in the said owners and tenants notwithstanding. The cost of the said inquest and the several sums at which the rights of the owners and tenants are valued, shall be paid by the treasurer to the said owners, tenants, and others entitled respectively, on warrant from the auditors.

2. And whereas it may be expedient to enlarge the said town of Richmond, by laying off a number of lots to be added thereto, and it may also happen that some of the lands adjacent to the said town may be more convenient for the publick uses: *Be it therefore enacted*, That the said directors cause two hundred additional lots or half acres, with necessary streets to be laid off adjacent to such parts of the said town as to them shall seem most convenient, and they shall also be at liberty to appropriate the six squares aforesaid, or any part of them, either from among the lots now in the said town, or those to be laid off as before directed, or of the lands adjacent to the said former or latter lots, and the said six squares and two hundred lots shall thenceforth be a part of the said town. And the said directors shall return into the clerk's office of the said county of Henrico, there to be recorded a full and distinct report under their hands and seals of the lots and squares of land added by them to the said town, or appropriated to the publick uses, together with the plan thereof. The rights of the several owners and tenants of the lots of land so to be added to the town and not appropriated to the publick uses, are nevertheless saved to them.

3. But whereas from the great expence attending the just and necessary war this Commonwealth is at present engaged in, the difficulties of procuring the materials for building, and the high price for labour, it will be burthensome to the inhabitants if the said publick buildings be immediately erected: *Be it therefore enacted*, That the directors aforesaid shall, with all convenient speed, cause to be erected or otherwise provide some proper and temporary buildings for the sitting of the General Assembly, the Courts of Justice, and the several boards before described.

4. And whereas the present jail of the county of Henrico, now within the said town of Richmond, if enlarged may be made sufficient for a publick jail until a more commodious one can be built: the said direc-

tors are hereby empowered to enlarge the same. *Provided nevertheless*, there shall not be drawn out of the publick treasury for any or all the said purposes a sum exceeding twenty thousand pounds; and the directors aforesaid are hereby prohibited from making any contracts for erecting any of the publick buildings described by this act to be built on any of the squares appropriated for publick use, fixing on the squares or laying off the additional lots until further provision shall be made for the same by the General Assembly. *And be it farther enacted*, That from and after the last day of April which shall be in the year of our Lord one thousand seven hundred and eighty, the said Court of Appeals, High Court of Chancery, General Court, and Court of Admiralty shall hold their sessions in the apartments prepared for them by the said directors; that the first meeting of the General Assembly after the same day shall be in such house or houses as shall be provided by the said directors; that the Clerks of the two Houses of Assembly and of the several Courts before mentioned, shall previously cause to be removed thither at the publick expence, the records, papers, and other things belonging to their respective offices; and that the keeper of the publick jail shall in like manner cause all prisoners in his custody to be removed to the publick jail so to be built as before directed, which shall thenceforward be deemed and used as the publick jail spoken of by the laws whether heretofore or hereafter passed.

CHAP. VII.

An Act, for locating the Publick Squares, to enlarge the Town of Richmond, and for other purposes.

[May, 1780, Ch. 37. 10 Stat. L. 317.]

BE it enacted by the General Assembly, That the ground to be appropriated to the purpose of building thereon a Capitol, Halls of Justice, State House for the Executive boards, and an house for the Governour, shall be located on Shockoe hill; and those to be appropriated to the use of the publick market, shall be below the said hill, on the same side of Shockoe creek; which location shall be made immediately; and where the nature of the ground shall render other form more eligible for the said uses than a square, it shall be lawful for his excellency Thomas Jefferson, Esquire, Archibald Cary, Robert Carter Nicholas, Richard Adams, Edmund Randolph, Turner Southall, Robert Goode, James Buchanan, and Samuel Du-Vall, Esquires, directors, or a majority of them, to lay off in such form, and of such dimensions as shall be convenient and requisite. The said directors shall cause the several tenements of irregular shape and size included within the limits of the town of Richmond; to be laid off into regular squares with intervening streets at such intervals as in the other parts of the town, unless by varying the said intervals more favorable ascents may be procured up the hill. They shall cause all the streets on Shockoe hill to be enlarged to a breadth, not less than eighty, or more than one hundred and twenty feet, of which breadth also shall be such new

streets as shall be laid off below the hill as before directed; and whereby such enlargement or laying off new streets, or from any other circumstances, any house already erected shall happen to be in a street, it shall be lawful for the said house to be continued twenty years, and no longer. They shall also lay off, in the most easy direction, whether straight or curved, so many streets for ascending and traversing with facility, the several hills in the said town as may be thought necessary in any supposed state of future increase and population, and at such intervals as shall be convenient, making them to communicate with the streets above the brow, and below the foot of each hill. The injury which individuals shall sustain by opening new streets through their lots, and the expense of laying off and marking the said streets, shall be estimated by a jury, on a writ of *ad quod damnum*, in like manner as directed by an act, entitled "An act, for the removal of the seat of government," for estimating the ground to be taken for the publick buildings; and shall be assessed by the directors on the several land holders within the said town, in proportion to the value of their respective lots, which assessments shall be delivered to the Sheriff of the county of Henrico, and shall be by him collected and paid to the several claimants in like manner, under the like penalties, and subject to the like remedies as are provided by law for collecting and paying the public taxes; and where the owner of any lot shall be not known, or not found, the Sheriff shall levy the assessment on the said lot by sale of so much thereof as shall be necessary, offering the same by publick vendue, on advertising the same three weeks in the Virginia Gazette, to him who will give the money required for the smallest proportion of the said lot, in such part thereof as the said Sheriff shall designate, and his deed of conveyance to the purchaser shall operate as effectually in law for conveying the fee simple estate, as if the same were executed by the legal proprietor or proprietors.

And Whereas it may be expedient to enlarge the said Town of Richmond by laying off a number of lots to be added thereto; and it may also happen that some of the lands adjacent to the said Town may be more convenient for the publick uses, *Be it therefore enacted*, That the said directors, if it be found expedient, shall cause two hundred additional lots or half acres, with necessary streets, properly arranged, to be laid off adjacent to such parts of the town as shall seem most convenient; and they shall be at liberty to appropriate the six squares aforesaid, or any part of them, either from among the lots now in the said town, or those to be laid off as before directed, or of the land adjacent to the former or latter lots; and the said six squares and two hundred lots shall thenceforth be a part of the said town; the rights of the several owners and tenants of the lots of land so to be added to the town, and not appropriated to the publick uses, are nevertheless saved to themselves. And whereas the navigation leading to Shockoe landing is much obstructed of late by freshes, and by the natural course of Shockoe Creek being altered, by which, large banks of sand have been thrown up, which, if not quickly removed, may render the navigation to the upper landing useless, to the great damage of the Town of Richmond, as well as to the back inhabitants. And whereas

it has been represented that a sufficient sum of money will be subscribed to open the said navigation, either by turning the water of Shockoe Creek into its old channel, or by clearing the present channel to the Warehouse Landing, which, if effected, will be greatly beneficial to the inhabitants of the said town, as well as to the community at large; *Be it therefore enacted*, That the directors aforesaid shall be at liberty to open subscriptions for the above purpose, and the money so raised shall be by them laid out in such manner as in their judgment shall improve the said navigation, either by opening the old channel of the Creek by bringing a greater quantity of water into that, or the present channel, or by such other ways as may best answer the intention of the subscribers, and benefit the publick.

CHAP. VIII.

An Act to secure to persons who derive titles to Lots, Lands or Tenements under the Lottery or under a Deed of Trust of the late William Byrd, Esquire, a fee simple estate therein.

[November 1781, Ch. 6. 10 Stat. Larg. 446.]

1. WHEREAS there are divers persons possessed of lots in the towns of Richmond and Manchester, and of lands and tenements contiguous thereto, who derive titles to the same under the Lottery of the late William Byrd, Esquire, whereof John Robinson, Peter Randolph, Peyton Randolph, Presley Thornton, John Page, Charles Carter, and Charles Turnbull, Esquires, were appointed managers and trustees; and other persons are possessed of lands and tenements, who purchased and derived titles to the same, under a Deed of Trust, bearing date the eighteenth day of December, one thousand seven hundred and fifty-six, made and executed by the said William Byrd, Esquire, to the said John Robinson, Peter Randolph, Peyton Randolph, Presley Thornton, John Page, Charles Carter, and Charles Turnbull, Esquires, for the purpose of paying his, the said William Byrd's debts, which said Deed of Trust is recorded in the General Court of this Commonwealth. And whereas by the deaths of the said William Byrd, John Robinson, Peter Randolph, Peyton Randolph, Presley Thornton, and John Page, Esquires, there are not now living a sufficient number of the said trustees to execute proper deeds of conveyance for the said lots, lands and tenements to the purchasers thereof, whereby the several proprietors are discouraged from improving the same: For remedy whereof,

2. *Be it enacted by the General Assembly*, That the said Charles Carter, Esquire, the only acting surviving trustee of the said William Byrd, be, and he is hereby empowered and required, upon the application and at the costs and charges of the said purchasers, to execute deeds of conveyance in fee simple for the aforesaid lots, lands and tenements to the respective purchasers thereof, which said deeds so to be executed shall be as good and effectual in law for conveying the

right to the said lots, lands and tenements, and to every of them, as though the same had been made and executed by a majority of the aforesaid trustees: *Provided nevertheless*, That nothing in this act contained shall be construed to alter or affect the title to any of the before-mentioned lots, lands or tenements, where two or more persons set up titles or claim to the same lot or tenement as purchasers, either under the aforesaid Lottery or Deed of Trust, nor to affect the title or claim of the heir at law of the said William Byrd, Esquire, to all or any of the aforesaid lots, lands or tenements; *Provided*, The said heir at law prosecute such claim within twelve months from the passing of this act.

CHAP. IX.

An Act for Incorporating the Town of Richmond, and for other purposes.

[May 1782, Ch. 25. 11 Stat. Larg. 45.]

1. *BE it enacted by the General Assembly*, That the town of Richmond, bounded according to the direction of the act intituled "An act for establishing towns at Rocky Ridge, Gloucester Court-house, and Layton's warehouse, and for other purposes therein mentioned," shall be stiled the City of Richmond; and on the first Tuesday in July in the present, and on the same day of every third year afterwards, the freeholders of lots within the said City, whether improved or not, and whether such freeholder resides therein or not, and the house-keepers and inhabitants of the said City, who shall have resided therein at any time for the space of three months without the intermission of one twelve months, and possess in their own right within the same, moveable or immoveable property to the value of one hundred pounds, shall meet at the house now used as the Court-House of the county of Henrico, or at such other place as shall by a bye-law be hereafter appointed, and shall then and there elect by ballot, twelve fit and able men, being freeholders and inhabitants of the said city, who or a major part thereof shall, on the same or second day thereafter, between the hours of eight and twelve in the forenoon, publicly elect by ballot from among themselves, one person to act as Mayor, another as Recorder, and four others as Aldermen of the said City, and the other six of whom shall be Common Council. The services of the persons at any time elected Mayor, Recorder, Aldermen, or of the Common Council, shall not be continued longer than until other persons shall have been elected to those offices respectively, or than the expiration of the second day immediately following the said first Tuesday in July in every third year, as the case may be, but they may nevertheless be re-elected except that no person shall be capable of acting as Mayor more than one year in any term of two years; vacancies occasioned by death, disability or resignation at any time before the triannual election, shall be supplied by the choice of the Mayor, Recorder, Aldermen and

Common Council in Common Hall assembled, that is to say, a vacancy in the office of Mayor or Recorder shall be supplied out of the Aldermen; a vacancy in the office of Alderman out of the Common Council; and a vacancy in the Common Council out of the freeholders and inhabitants of the said City. The Mayor, Recorder and Aldermen to be elected for this present year, shall not enter upon the execution of their office before they shall respectively take an oath or affirmation before some Justice of the Peace for the county of Henrico, for the faithful discharge of the duties thereof; and the Mayor, Recorder and Aldermen to be elected afterwards shall take such oath or affirmation before they respectively enter upon the duties of their office, in presence of the Court of Hustings, or of some meeting of the Common Council hereafter mentioned.

2. *And be it enacted*, That the said freeholders, house-keepers, and inhabitants, and those persons who shall hereafter become freeholders, house-keepers or inhabitants as aforesaid, shall be a body politic and corporate, by the name of the Mayor, Aldermen and Commonalty of the City of Richmond, and by that name have perpetual succession and a common seal: They and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, enjoy, possess and retain to them and their successors forever, any lands, rents, tenements, hereditaments of what kind, nature or quality soever; and also to sell, grant, demise, alien or dispose of the same; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts and places, and from time to time, under their common seal, to make and establish such bye-laws, rules and ordinances, not contrary to the Constitution or Laws of the Commonwealth, as shall by them be thought necessary for the good ordering and government of such persons as shall from time to time reside within the limits of the said City and Corporation, or shall be concerned in interest therein.

3. *And be it enacted*, That they and their successors, by the name aforesaid, shall especially have power to rent, erect or repair work-houses, houses of correction, a court-house, prison, market-house, and hospitals for the reception of persons infected with contagious disorders, and other public buildings for the benefit of the said City, to pay the charge of removing such infected persons to the hospital, to provide doctors, nurses and other necessary attendants, as well as guards to prevent the spreading of such disorders; to purchase fire-engines, to hire proper fire-men to keep such engines at all times in good order and to be ready for service; to cause wells to be sunk and pumps provided; to appoint and pay watchmen, and to repair and keep in order the streets and lands in the said city, and to impose taxes on the white and black male tithables, and on the property real and personal within the said City, for the execution of all or any of the powers hereby given them, taking care however, that not more than one third of the sum to be levied shall be levied on the tithables aforesaid, to make provision and regulations for collecting and accounting for the taxes raised, by appointing a collector, or directing distress to be made for delinquencies, or by any other ways or means; to erect wharves, and to lay a

reasonable duty on the vessels coming to and using the same, for the purpose of defraying the expence of erecting and keeping in repair the wharves so erected; to hold two fairs in each year, to wit: one on the first Thursday in May, and the other on the first Thursday in October; to fix fines upon every billiard-table and tipping-house, booth or tent, within the jurisdiction of the corporation, and to demand reasonable fees for every ordinary-license within the same, over and above those established for raising a revenue; and to expel disorderly persons who shall not have been resident therein for twelve months.

4. *And be it further enacted*, That all acts herein directed to be done by the Mayor, Recorder, Aldermen and Common Council, shall be done by them when assembled in Common Hall. They shall be said to be assembled in Common Hall when seven members, of which the Mayor, Recorder or eldest Alderman shall be always one. They shall meet upon the summons of such Mayor, or in his absence, sickness or disability, of the Recorder; or in the absence, sickness or disability of both Mayor and Recorder, then of the eldest Alderman.

5. *And be it enacted*, That the Mayor, Recorder and Aldermen, or any of the four or more of them, shall have power to hold a Court of Hustings on the third Monday in every month: The jurisdiction of such court shall relate to those cases which originate within the limits of the said City, and shall be the same as the jurisdiction of the County Court, as established by the act of the General Assembly, intituled, "An act for establishing County Courts and regulating the proceedings therein," except in the following instances: the said Court shall not hear and determine any penal case, unless it be for a breach of laws of the Corporation, the penalty whereof does not exceed forty shillings, or two hundred pounds of crop tobacco, nor of any action beyond the value of one hundred pounds, or ten thousand pounds weight of crop tobacco, unless it be in ejectment; the said Court shall have the farther power of examining criminals for all offences committed within the limits of the said Corporation, either at their monthly sessions or in the vacation, according to the act of the General Assembly, intituled "An act directing the method of trial of criminals for capital offences, and for other purposes therein mentioned;" the said Court shall have the sole power of licensing tavern-keepers and settling their rates, appointing a clerk of the market, establishing an assize of bread, wine, wood, coal and other things, and also appointing a Sergeant, who shall have the power of a Sheriff, Constables, and other necessary officers of the Court, and Surveyors of the streets, and any other officers not specially directed in this act to be appointed by any other power; the same fees shall be allowed to the Officers of the Court as are allowed by law to the Clerk and Sheriff of the county of Henrico; and shall be collected and accounted for in the same manner. No Officer of the Court shall enter upon his office until he shall have taken an oath or affirmation before the Court, for the faithful discharge thereof; the Serjeant shall moreover give bond with security, payable to the Mayor, Recorder, Aldermen and Common Council, and their successors, in a reasonable penalty, for the due execution of his office.

6. *And be it further enacted*, That the Mayor, Recorder and Aldermen shall each be vested with the powers of Justice of the Peace within the said City, and shall have jurisdiction for the space of one mile on the north side of James River, without and round the said City and every part thereof, including so much of the said river to low-water mark on the shore of the county of Chesterfield as shall lie between two lines drawn due south from the eastern and western terminations of the one mile aforesaid, for matters arising within the same, according to the laws of the Commonwealth.

7. *And be it enacted*, That the Mayor, Recorder, any Alderman or Common Councilman may be removed from his office for good cause, and after due summons, by the opinion of seven members of the Common Hall; and that no bye-law, ordinance or regulation shall be binding, unless the same shall have been passed and entered into by the voice of seven Members of the Common Hall.

8. *And be it further enacted*, That all the property, real and personal, now vested in Trustees of the Town of Richmond, for the use and benefit of the inhabitants thereof, is hereby transferred to and vested in the Corporation for the benefit of the said City. And in all Courts of Law and Equity, this act shall be construed, taken and held most favorably for the said Corporation, so far as it respects or relates to the same.

11. *And be it further enacted*, That no ordinary keeper in the City of Richmond shall be capable of serving as Mayor, Recorder, Alderman or Common Councilman for the said City.

CHAP. X.

An Act, for giving certain powers to the Corporation of the City of Richmond, and for other purposes.

[October 1782, Ch. 31. 11 Stat. Larg. 156.]

1. *BE it enacted by the General Assembly*, That it shall and may be lawful, and the Mayor, Recorder, and Aldermen, of the City of Richmond, are hereby required to elect, by ballot, two of the Common Councilmen of the said City, to the office of Aldermen; who upon taking an oath or affirmation before the Court, for the faithful discharge thereof, shall have the same powers and authority as those already elected to that office. That in all triennial elections, as directed by the act "For incorporating the town of Richmond," there shall be elected six Aldermen. The Court of Hustings in the City of Richmond, and Court of Hustings in the town of Alexandria, shall be, and are hereby constituted, Courts of Record, and as such to receive probate of wills and deeds, and grant administrations, in as full and ample manner as the County Courts by law can, or may do.

2. *Provided always, and be it further enacted*, That no will shall be admitted to proof or record in the said Courts, nor shall the said Courts grant administration, unless the testator, or intestate, as the

case may be, was resident within the limits of the jurisdiction of the said Courts at the time of his or her death; nor shall any deed, whereby lands are conveyed, be admitted to proof or record in the said Courts, unless such lands lie within the limits as aforesaid.

3. *And be it further enacted*, That the Mayor and Commonalty of the said City and town respectively, are hereby authorised to affix their common seal to all transactions, and that due faith and credence shall thereupon be given and paid to the same. That the powers given by law, to the directors of the public buildings in the said City, for improving the navigation of James River, and turning Shockœ Creek into its old channel, by subscription, shall be, and the same are hereby, transferred to, and vested in, the Corporation.

4. *And be it further enacted*, That it shall and may be lawful for the said Corporation to raise, by way of lottery, such a sum of money as they may think adequate to the expence of erecting a stone bridge over Shockœ Creek.

CHAP. XI.

An Act concerning Fairs, in the Town of Fredericksburg, and the Court of Hustings thereof, and for other purposes.

[October 1783, Ch. 6. 11 Stat. Larg. 314.]

4. And Whereas so much of the act, intituled, "An act for giving certain powers to the Corporation of the City of Richmond, and for other purposes," as empowers the Mayor, Recorder, and Aldermen, of the said City, to elect by ballot two of the Common Councilmen of the said City to the office of Aldermen; and that in all triennial elections, as directed by the act for incorporating the town of Richmond, there shall be elected six Aldermen, requires explanation and amendment:

5. *Be it therefore enacted*, That the house-keepers and inhabitants of the said City, qualified by law to vote for Common Councilmen, shall meet at the Court-House in the said City, on the first day of January next, and then and there elect by ballot four persons, being freeholders and inhabitants of the said City, as Common Councilmen, in addition to the present Common Council; and that the Mayor, Recorder, and Aldermen, shall meet on the next Monday thereafter, and then elect by ballot two of the Common Councilmen to the office of Aldermen, who, upon taking the oath directed by the said act, shall have the same power and authority as the other Aldermen of the said City.

6. *And be it further enacted*, That at the triennial elections of the said City, there shall be elected in manner directed by the said act, a Mayor, Recorder, six Aldermen, and eight Common Councilmen; any law to the contrary notwithstanding.

CHAP. XII.

An Act, directing the sale of the public lands and other property in or near the City of Richmond.

[May 1784, Ch. 30. 11 Stat. Larg. 399.]

1. *BE it enacted*, That all the public lands and other public property in and near the City of Richmond, except so much thereof as shall be set apart by the Executive for the use of the Government, shall be sold for money or military certificates, as the commissioners hereafter appointed may judge most for the public benefit; and the money arising from the sales thereof, together with the interest due or to become due on the certificates, shall be applied towards erecting the public buildings on Shockoe Hill, agreeable to an act, intituled, "An act for the removal of the Seat of Government."

2. *And be it further enacted*, That Nathaniel Wilkinson, Miles Selden, junior, John Harvie, Thomas Prosser, and William Foushee, Gentlemen, or any three of them, be appointed commissioners for the better execution of this act; who, before they proceed on the duties of their office, shall enter into bond with security, in a reasonable penalty, payable to the Governor for the time being, conditioned for the faithful execution of their trust. The said commissioners shall make immediate application to the Executive for the delivery and possession of such of the said lands and property as shall not be reserved for the use of Government, and having caused the same to be laid off into lots in such manner as to them may appear most beneficial for the public, shall, making due publication thereof in the Virginia Gazettes, proceed to sell the same for the best price that can be got, either for money on twelve months credit, or for certificates, as aforesaid, payable immediately, at the discretion of the commissioners. For all money sales the said commissioners shall take bond of the purchasers with approved security, and, in default of payment, are authorised to recover the same by judgment, upon motion in any Court of record; giving ten days previous notice of such motion. All certificates received by the said commissioners in virtue of this act, shall be by them returned to the public treasury; and the Treasurer shall enter the same in his books to their credit in trust, and for the use of the public, paying to the said commissioners the interest due or to become due thereon out of the funds appropriated for that purpose, in the same manner as he would do to individual possessors. All monies received by the said commissioners in virtue of this act, shall be by them paid into the hands of the directors of the public buildings, to be by them applied pursuant to the powers vested in them by the act, "For the removal of the Seat of Government." And whereas the money arising from the sale of the land and other public property, as herein before directed, may not be sufficient to complete the said public buildings, and the public finances will not admit of an immediate appropriation of a further sum of money in aid thereof, but the completion of the said public buildings may be greatly facilitated by private contribution:

3. *Be it further enacted,* That the said commissioners be empowered to open and receive subscriptions for that purpose, in such manner and to such amount as the directors of the public buildings shall deem proper; and that the monies thence arising be paid by the said commissioners into the hands of the said directors, and by them applied to the purposes before directed, and to none other. And the directors of the public buildings shall in like manner enter into bond with security, in a reasonable penalty, payable to the Governor for the time being, conditioned for the faithful application of all monies by them received.

4. *Provided always, and be it further enacted,* That nothing herein contained shall be construed to prevent the said commissioners from granting a credit upon all sales for certificates as aforesaid, until the thirty-first day of December next; but upon all such sales the said commissioners shall take bond with approved security, and, in default of payment, are authorised to recover the amount thereof, with interest and costs, together with six per centum damages in specie, by judgment, upon motion in any Court of Record, giving ten days previous notice of such motion; execution upon which judgment shall be issued for and discharged by the payment of the amount in certificates expressed in the condition of such bond, together with interest, costs, and the damages in specie, as aforesaid, and not otherwise.

5. *And be it further enacted,* That all sales which shall be made by virtue of this act for certificates, shall be by private or public sale, at the discretion of the commissioners, and before the first day of October next.

CHAP. XIII.

An Act. authorising the Directors of the Public Buildings in the City of Richmond, to convey to Philip Turpin, certain lands.

[December 14, 1787, Ch. 78, 12 Stat. Larg. 617.]

1. WHEREAS it hath been represented that the Directors of the Public Buildings in the City of Richmond have appropriated for the use of the public, certain lands within the said City the property of Philip Turpin, part whereof are since found by the said Directors to be unnecessary for the said purpose; and the said Philip Turpin hath made application to the present General Assembly to authorise and require the said Directors, in behalf of the Commonwealth, to convey and release to him so much of the said lands as they may judge unnecessary for public use; *Be it therefore enacted,* That the said Directors, or a majority of them, shall, and they are hereby authorised and required to execute a deed for conveying and releasing to the said Philip Turpin, and his heirs, all the right, title, and interest, of this Commonwealth, in, and to so much of the lands, so appropriated, as the said Directors shall judge unnecessary for public use.

2. *And be it further enacted*, That the Directors shall cause the lands deemed unnecessary for public use, previous to the execution of a deed for the same, to be valued by a jury, in like manner as is directed by law for lands taken and appropriated for the use of the public, within the said City, and shall return such valuation to the Court of the County of Henrico, there to be recorded: *Provided*, that the jury, in estimating the value of the said land, shall have regard to its comparative value with the other lands, and their former appraised value.

CHAP. XIV.

An Act, allowing the City of Richmond a Representative in the House of Delegates.

[December 22, 1788, Ch. 63, 12 Stat. Larg. 722.]

1. WHEREAS it is provided by the constitution of government, that the privilege of representation in the House of Delegates, may be extended to such Cities and Boroughs, as should thereafter be allowed particular representation in the legislature: *And whereas*, application hath been made to the present General Assembly, by the inhabitants of the City of Richmond, to extend to them this high privilege, which it is judged reasonable and expedient so to do: *Be it therefore enacted, by the General Assembly*, That the freeholders of the said City, shall be entitled to assemble at the Court-House, or other place of holding Courts in the said City, annually, on their Court day, in the month of April, and then and there elect one discreet and proper person, being a freeholder, and who shall have *bona fide* resided within the said City for twelve months, last preceding, as a Delegate to represent the said City in the House of Delegates. The said election shall be held and conducted by the Serjeant of the said City, for the time being, under the rules, restrictions, and penalties prescribed by law, in the election of members to the General Assembly: *Provided always*, that no freeholder of the said City shall be entitled to vote in right of such freehold, at any county election of Delegates to the General Assembly.

CHAP. XV.

An Act, to grant certain privileges to the Cities of Richmond and Williamsburg, and to the Borough of Norfolk.

[December 20, 1790, Ch. 64, 13 Stat. Larg. 200.]

1. *BE it enacted by the General Assembly*, That the Mayor, Recorder and Aldermen of the City of Richmond, or any five of them, the Mayor, Recorder or eldest Alderman being one, may hold a Court for the trial of Slaves in like manner and subject to the same laws, rules and regulations as the Justices of the County Courts may now do: *Provided*, That their jurisdiction be limited to offences committed within the jurisdiction of the Court of Hustings for the said City.

2. And it shall be lawful for the Serjeant of the said City, and he is hereby required previous to the Courts in March, May, August and November, to summon a Grand Jury of the freeholders within the said City, to meet at these several Courts, which Grand Juries shall, respecting crimes and offences done, committed or suffered within the limits aforesaid, possess and exercise the same powers, and be subject to the same penalties as Grand Jurors in the County Courts.

3. The Court of Hustings for the said City shall sit on the second Monday in every month.

4. *And be it further enacted*, That the inhabitants of and residents in the said City, subject to militia duty, shall be formed into a distinct Regiment, and shall not be obliged to attend company or regimental musters except in or near the said City; but shall remain under the Lieutenant or Commanding Officer of the militia of the County of Henrico, and be subject to and governed by the several laws respecting the militia, in like manner as the militia of the County of Henrico.

7. So much of every act as comes within the purview of this act shall be and the same is hereby repealed.

CHAP. XVI.

An Act, ascertaining the Boundaries of the City of Richmond, and for other purposes.

[November 27, 1793, Ch. 65, Ses. Acts, p. 46.]

1. WHEREAS doubts have arisen relative to the powers of the Court of Hustings, and of the Common Hall of the City of Richmond, and of the Boundaries of the said City: For remedy whereof,

2. *Be it enacted*, That all the lots heretofore laid off, or which shall be hereafter laid off pursuant to any act of the General Assembly, also the lots laid off by the Reverend William Couetts, and adjoining the Town of Richmond, shall be henceforth deemed, considered and taken in all Courts of Law and Equity as constituting a part of the City of Richmond, and all the proceedings of the Court of Hustings, or of the Common Hall of the said City heretofore done within the limits as herein expressed, shall be, and they are hereby declared as valid to all intents and purposes, as if they were hereafter to be done.

3. *And be it further enacted*, That all that part of the tenement, commonly called and known by the name of Watson's tenement, or so much thereof as has been laid off into lots and improved, or which shall hereafter be laid off into lots and improved, be thenceforth considered as comprising a part of the said City of Richmond.

4. *And be it further enacted*, That the Market-House erected on Shockæ Hill, and known by the name of the New Market, shall be, and the same is hereby established a public Market-House, and entitled under the direction of the Common Hall of the said City to equal privileges, and subject to the same regulations as the one now established in the said City.

CHAP. XVII.

An Act, concerning Corporations.

[December 22, 1796, Ch. 13, Ses. Acts, p. 13.]

1. *BE it enacted by the General Aseembly*, That from and after the passing of this act, the Mayor, Aldermen and Commonalty of the several corporate towns within this Commonwealth and their successors, shall upon request of any person or persons desirous thereof, grant licenses to exercise in such town the trade or business of an Auctioneer; *Provided*, that no such licence shall be granted until the person or persons requesting the same, shall enter into bond with one or more sufficient sureties, payable to the Mayor, Aldermen and Commonalty of such corporate town and their successors, in such penalty and with such condition as by the bye-laws and ordinances of such corporate towns shall be required. *And provided also*, That any licence which may have been heretofore granted by the Supervisor of this district, shall remain in full force during the term for which the same was granted. And every person or persons so licenced, shall have the same powers, and be subject to the same regulations, and to the payment of the same sum as the Vendue Masters or Auctioneers, appointed, or to be appointed by the Mayor, Aldermen and Commonalty of the several corporate towns, are liable and subject to.

2. *And be it further enacted*, That the Magistrates of any corporate town shall have the same power to examine privily, and take the acknowledgement of a *feme covert* to a conveyance and to certify the same; as is by law given to Justices of Peace of a county; and the Court of Hustings for each corporation within this Commonwealth, shall have the same power to admit to record, authenticated copies of wills, proved according to the laws of any of the United States or of Countries without the limits of the same, as is given by law to the County Courts.

CHAP. XVIII.

An Act, concerning the City of Richmond.

[January 22, 1798, Ch. 21, Ses. Acts, p. 16.]

1. *BE it enacted*, That in addition to the powers heretofore granted to the corporate body of the City of Richmond, the Mayor, Recorder, Aldermen and Common Council, in Common Hall assembled, be, and they are hereby authorised to pass such bye-laws or ordinances for the government of persons and property within the limits of the said City, as they shall think necessary, for establishing and carrying into full effect the requisite rules and regulations to prevent and extinguish fire on buildings within the City aforesaid: *Provided*, such laws and ordinances be not contrary to the Constitution or Laws of this Commonwealth.

2. *And be it further enacted*, That henceforth the tithable persons resident within the said City, shall be considered as totally separated from those of the County of Henrico, and shall be exempt from all impositions by the Court of the said County for County Levies, or for the maintenance or support of poor persons not resident within the City aforesaid.

3. *And be it further enacted*, That any presentment made by a Grand-Jury for the said City, for an offence committed within the jurisdiction of the Court of Hustings for the City aforesaid, under any law of the land, may be prosecuted in the said Court, in the same manner, and the like proceedings be had therein, as is or may be in the County Court of Henrico.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. XIX.

An Act, to amend the Charter of the City of Richmond.

[January 11, 1803, Ch. 31, Ses. Acts, p. 20.]

1. *BE it enacted by the General Assembly*, That a Committee of five persons be appointed by the Executive of this Commonwealth, to divide the City of Richmond into three Wards. The freeholders and inhabitants of the City, duly qualified by law to vote for Common Councilmen, shall assemble annually on the first Wednesday in April* in the Wards in which they reside, and elect eight persons from each Ward, who must respectively reside within the limits of the wards which elect them. The persons thus elected, or a majority of them, shall within one week publicly elect by ballot from among themselves, one person to act as Mayor, another as Recorder, and seven others as Aldermen of the said City, (distributing the Mayor, Recorder and Aldermen, equally among the several Wards) and the remaining fifteen of whom shall be a Common Council. The services of the persons first elected under this law, shall not commence until the day next after the first Tuesday in July, 1803, and shall continue only until the day when a new election is by law directed to take place; but in all future cases, their services shall commence from the day of election, and continue for one year: but they may nevertheless be re-elected, except that no person shall be capable of acting as Mayor, more than one year in any term of two years. Vacancies occasioned by the death, disability or resignation, during the period for which the said twenty-four persons shall be elected, shall be supplied by the choice of the Common Council in Common Hall assembled, that is to say, a vacancy in the office of Mayor or Recorder, shall be supplied out of the Aldermen; a vacancy in the office of Aldermen, out of the Common Council; and a vacancy in the Common Council, out of the

* Act, January 8th, 1824, Ch. 15, Sec 3, Ses. Acts, p. 23.

freeholders and inhabitants of the said City, always preserving an equal number of Common Councilmen and Aldermen in the several Wards: *Provided*, that the Mayor, Recorder, and Aldermen, shall, before they enter on the execution of their respective offices, take the oaths and affirmations required by law.

2. *And be it further enacted*, That in case, by any cause, the election of the twenty-four persons to serve as Mayor, Recorder, and Aldermen, and Common Councilmen, should not be holden on the day prescribed by this act, in that case the election shall take place as soon as possible after the impediment is removed, and in case such cause should exist to prevent the said election, then the persons last acting as Mayor, Recorder, Aldermen, and Common Councilmen, shall continue to hold and exercise their respective offices, until another election takes place, in the same manner, that they would have done during the term for which they were elected.

3. *And be it further enacted*, That the division of this City into Wards made by the Committee, shall be reported to the Executive, and recorded in the Hustings Court of the said City. This division so made, shall remain in force for three years; at the expiration of which time, and triennially afterwards, Committees shall be appointed as aforesaid, to make such alterations as shall be deemed necessary.

4. *And be it further enacted*, That the Wards shall be numbered and named by the Committee.

5. *And be it further enacted*, That the election by Wards shall be conducted in the following manner: the Town Serjeant shall appoint places (one in each Ward) the most convenient for the electors duly qualified by law to assemble and give their votes *viva voce*, for Common Councilmen and Aldermen. The places thus annually appointed by him shall be notified in one of the Gazettes of Richmond one month previous to the election, and if unavoidable causes should render a change of either of those places necessary, it shall be the duty of the Town Serjeant to have such change announced on the day of election by a public cryer. The Town Serjeant shall hold the election in the Ward in which he resides, and shall appoint in writing, one month previous to the election, a Deputy in each of the other Wards to hold an election therein, who shall be invested for that purpose with the same powers, and restricted by the same disabilities as himself, under the obligation of an oath to be administered by a Magistrate. The Deputies shall return to the Town Serjeant the number of votes given to the respective candidates in their Wards, which, with the votes given in his own Ward, shall be published in some Richmond Gazette, and lodged with the Clerk of the Court of Hustings.

6. *And be it further enacted*, That in case of the death, resignation, inability to perform the duties, or absence of either or all of the Deputies, the Town Serjeant shall, on the day of election, appoint with similar formalities, a successor or successors to supply the vacancy or vacancies.

7. *And be it further enacted*, That the elections shall be held in all the Wards on the same day; but if for any cause the elections shall

not be held in either Ward on the day prescribed by law, the said Serjeant or Deputy shall proceed to hold the same as soon as such cause is removed.

8. *And be it further enacted*, That no elector shall be permitted to vote in any Ward, but that in which he resides, and if a question arises in what Ward he has the right of voting, he shall be permitted to vote on taking an oath, which the officer conducting the election shall administer, or making a solemn affirmation in this form: I do swear (or do solemnly affirm) that I do in my conscience believe myself to be a resident of _____ Ward. No _____ duly qualified by law to vote for Common Councilmen and Aldermen of the City of Richmond, according to an act, entitled "An act, To amend the Charter of the City of Richmond," of which oath, or affirmation, a note shall be made in the poll book opposite to, and referring to the name of the person swearing or affirming. The making such oath or affirmation falsely, shall be perjury: *Provided always*, That the names of electors offering to be polled, but refusing to make such oath or affirmation, shall be entered on the poll books in separate lists with the names of the candidates for whom they voted, and shall be added to the poll, if upon scrutiny the votes be justified.

9. *And be it further enacted*, That the qualifications which entitle the freeholders and inhabitants to vote for, or be elected a Common Councilman, or Alderman of the City of Richmond, shall remain unaltered by this law, with only this exception, that the electors and candidates, at the time they respectively give or receive a vote, must be *bona fide* residents of the Ward in which the vote is given or received: *Provided always, and be it further enacted*, That the freeholders of lots in the said Town, who do not reside therein, shall be entitled to vote in the respective Wards in which their lots may be situated; but no such freeholder shall vote in more than one Ward.

10. *And be it further enacted*, That the qualifications of any person or persons elected as aforesaid, shall be adjudged of by the whole number of persons elected, or a majority of them; and if any person returned by the Serjeant or his Deputies shall be adjudged disqualified, notice thereof shall be given to the Officer of the Ward to which such person belonged, who shall forthwith hold another election in manner aforesaid.

11. *And be it further enacted*, That the Mayor, Recorder, and Aldermen shall have power to hold a Court of Hustings at the same times,* and under the same regulations as are now prescribed by law. The said Court to have the same powers and jurisdictions as heretofore, and the said Mayor, Recorder, and Aldermen to have the same rights and powers, and be subject to the same disabilities as at present exist by law, with this additional restriction, that the Mayor, Recorder, and Aldermen, so long as they continue in office, shall never set, or act as Members of the Common Council.

* The Court of Hustings for the City of Richmond, shall hereafter commence and be holden on the Friday next before the last Monday, in every month; and the Quarterly Sessions of the said Court shall hereafter be holden in the months of *February, May, August, and November*, in every year. *January 12, 1827. Ch. 36. Sec. 1, Ses. Acts, p. 33.*

12. *And be it further enacted*, That all the acts heretofore directed by law to be done by the Mayor, Recorder, and Aldermen, in Common Hall assembled, shall in future be done by the Common Council, who shall possess all the rights and powers before this time exercised by the said Common Hall as heretofore constituted. They shall be said to be assembled in Common Hall, when nine Common Councilmen attend, which number at the least, shall be necessary to constitute a quorum, and no Bye-Law, Ordinance or Regulation shall be binding, unless the same shall have been passed by the voices of a majority of the Members of the Common Hall who are present.

13. The Members of the Common Council in Common Hall assembled, shall elect one of its Members to act as President, who shall preside at its Meetings, and continue in office, one year; and when from any cause he shall be absent, they may appoint a President *pro tempore*, who shall preside during the absence of the President. The President of the Common Council, shall sign all Ordinances and Regulations passed at any Meeting when he presides, or if he is not present, such Ordinances and Regulations shall be signed by the President *pro tempore*. The President of the Common Council shall have power at any time, to call a Meeting of the Common Hall; and in case of his absence, sickness or disability, the Hall may be convened by the order in writing of any two of the Common Council, directed to the Serjeant.

14. *And be it further declared and enacted*, That the said Court of Hustings shall have Jurisdiction for the space of one mile on the North side of James River, without, and round the said City, and every part thereof, including so much of the said River, to low water mark on the shore of the County of Chesterfield, as shall be between two lines drawn due South from the Eastern and Western terminations of the one mile aforesaid, for matters arising within the same, according to the Laws of the Commonwealth.

15. *And be it further enacted*, That the different Laws heretofore passed relative to the City of Richmond, are no farther repealed by this act, than as they come within the purview hereof.

16. This act shall commence and be in force from and after the passing thereof.

CHAP. XX.

An Act, authorising the appointment of a Mathematical Surveyor of the City of Richmond, and for other purposes.

[January, 8, 1805, Ch. 86. Ses. Acts, p. 52.]

1. *BE it enacted by the General Assembly*, That the Common Council of the City of Richmond, in Common Hall assembled, may, and they are hereby empowered, to nominate a Mathematical Surveyor of the said City, to prescribe his duties, and to establish and regulate his salary, or fees of office; which Surveyor shall be examined and commissioned in the manner directed by the law concerning County Surveyors.

2. All surveys or other acts which shall be made or done by the said Surveyor, by virtue of an order of any Court, shall be as valid and effectual as if the same were made or done by a Surveyor of a County.

3. And Whereas, it hath been represented to this present General Assembly, that a majority of the Directors named in and by an act of the General Assembly, passed at the May Session, one thousand seven hundred and eighty, are dead, in consequence of which no Board of Directors can now be formed to carry into effect all the provisions of the said recited act; and it being further represented, that the opening and extension of certain streets within the said City of Richmond, would be of public utility:

4. *Be it therefore enacted*, That it shall and may be lawful for the Common Council of the said City, from time to time, as they may deem it necessary, to extend the Cross Streets of the said City to James River; to connect that part of the Town lying on the east side of Shockoe Creek, with that on the west side thereof, by a continuation of the several streets already laid out, across the said Creek, till their junction with each other; to lay out and extend the way now used as a street from the northern boundary of the City of Richmond, to run by Tate's tan-yard, to the Market House, and from thence to be continued along the western side of Robert Mitchell's tenement, where he now lives, to the River; and also to extend the street from the Shot Manufactory, to run near the margin of the river to Rockett's Landing, as the same is now used: *Provided always*, That none of the streets hereby authorised to be opened and extended, shall exceed one hundred feet in width.

5. And as the land through which some of the said streets may be opened as aforesaid, is, at this time, claimed, as well by sundry individuals, as the Corporate Body of the said City; before the said streets shall be laid off as aforesaid, the said Common Council, or some Member thereof in their behalf, shall apply to the Court of Henrico County, for a writ in the nature of a writ of *ad quod damnum*; which Court shall accordingly, and they are hereby required to direct their Clerk to issue such writ, to the Sheriff of the said County to be directed, commanding him to summon and impanel twelve fit, able and discreet freeholders of his County, residing without the limits of the said City, and having no freehold therein, and who are no ways related to any person claiming as a proprietor, such land, or any part thereof, to meet on or near the said land, on a certain day to be named by the said Court, and inserted in the said writ; of which, notice shall, by the said Sheriff, be published, at the expense of the said Corporate Body, in some newspaper printed in the City of Richmond, at least twenty days previous to the time appointed for the execution of the said writ; which freeholders, taking nothing of meat or drink from any person whomsoever, from the time they shall come to the said place, until their inquest is sealed, shall be charged by the said Sheriff, impartially, and to the best of their skill and judgment, to view the lands through which the said streets are proposed to be opened, and say, all circumstances considered, to what damage it will be to

the proprietor or proprietors thereof, if such streets be opened through the same; and if the said inquest cannot be completed in one day, the Sheriff shall adjourn the said Jurors from day to day, until the same shall be completed; which inquest, sealed by the Jurors, together with the writ, shall be returned to the said Court, and entered among the Records thereof. And if it shall be finally determined, that the right to the land, or any part thereof, through which the said streets are proposed to be opened, is not in the Corporate Body of the said City, the damages to be assessed as aforesaid, together with legal interest thereon from the time of assessing the same, shall be paid by the said Corporate Body, to the person or persons who may be found to be the proprietor or proprietors of such land, his, her, or their legal representatives, and upon such payment being made, the streets so to be laid off as aforesaid, shall be taken and considered as streets of the said City; but on failure to make such payment, it shall be lawful for the proprietor or proprietors of the land so to be taken for streets, to enter into and possess the same, as of his, her or their proper estate.

6. *And be it further enacted*, That the proceedings of the directors, who were appointed under the Act of Assembly of May, one thousand seven hundred and eighty, entitled, "An Act for locating the Public Squares, to enlarge the Town of Richmond, and for other purposes," be recorded in the Court of Hustings of the City of Richmond.

7. This act shall be in force from the passing thereof.

CHAP. XXI.

An Act, to ascertain and establish the Limits of the City of Richmond.

[January 30, 1805, Ch. 96, Ses. Acts, p. 57.]

1. *BE it enacted by the General Assembly*, That five Commissioners shall be appointed by the Executive of this Commonwealth, who shall have power to ascertain and establish a just and reasonable Boundary to the City of Richmond; which Boundary they shall report to the Common Council of the City, and all ground included within the Boundaries described by the said Commissioners, shall, in five years from the passing of this act, be deemed a part of the City of Richmond. *Provided however*, That where any lots so included shall have paid City Taxes, the lots so situated, shall be deemed, from the passing of this act, a part of the City; and in all other cases where the proprietor of lots in like manner included, shall notify to the Common Council, in writing, his willingness to pay City Taxes on any lot or lots, the said lots shall immediately after such notification, be deemed a part of the City of Richmond.

2. *And be it further enacted,* That the Common Council shall be authorised to appoint a Surveyor, who shall extend the streets at present laid off, to the Boundary line, and shall form such new streets as may be necessary to divide the ground included within the Boundary lines, as far as it is practicable and convenient, into squares of four half acre lots. *Provided however,* That the streets shall not be run in such a manner as to include ground on which a house is now standing, without the consent of the owner, who shall engage to remove it; nor shall they open any inclosure, until such opening shall be deemed necessary by the Common Council. The present dividing lines of Jefferson, Madison, and Monroe Wards, shall be extended by the Surveyor in a direct course to the Boundary lines, and a plot of the survey shall be recorded in the Hustings Court.

3. This act shall commence and be in force from the passing thereof.

CHAP. XXII.

An Act, establishing the width of certain Streets in the City of Richmond, and for other purposes.

[January 8, 1807, Ch. 88, Ses. Acts, p. 35.]

1. *BE it enacted by the General Assembly,* That all the streets on the north side of the Main street in that part of the City of Richmond, which by virtue of two acts of Assembly, one passed in the year one thousand seven hundred and seventy-nine, and the other in the year one thousand seven hundred and eighty, were by certain persons in the said acts denominated Directors of the Public Buildings, added to the eastern part of the then Town of Richmond, shall be and are hereby established of the width of sixty-six feet, as the same, from stones placed at the corners of each square therein, appear to have been actually surveyed and marked.

2. *And be it further enacted,* That the Common Council of the said City, shall be and are hereby authorised to lay off in that part of the said addition which lies south of the said Main street, such streets and ways as to them shall seem necessary and proper, having respect to the Buildings which have been placed or erected in that part of the said City; any act or proceedings of the said Directors to the contrary notwithstanding.

3. This act shall be in force from the passing thereof.

CHAP. XXIII.

An Act, increasing the number of Magistrates within the City of Richmond, and for other purposes therein mentioned.

[February 6, 1808. Ch. 94. Ses. Acts, p. 79.]

1. *BE it enacted by the General Assembly,* That from the passing of this act, the freeholders and inhabitants of the City of Richmond, duly qualified to vote for Common Councilmen, shall annually on the day and in the manner prescribed by Law, for electing them, elect nine persons for each Ward in the said City, being residents within such Ward. The persons thus elected, or a majority of them, shall in the manner also prescribed by Law, elect one person to act as Mayor, another as Recorder, and ten others as Aldermen, and the remaining fifteen of whom shall be a Common Council of the said City. The powers and duties of the Mayor, Recorder, Aldermen and Common Council of the said City, shall be and remain as the same were heretofore granted to and exercised by them, except in those cases, where they shall be particularly altered by this act.

2. The Court of Hustings of the said City, shall hereafter be authorised as well at their Monthly as Quarterly Terms, to try Presentments of the Grand Jury, and Informations and other Pleas on behalf of the Commonwealth, in like manner as the same may now be heard, tried and determined at their Quarterly Courts.

3. *And be it further enacted,* That the Master of Police, now or hereafter to be appointed, for the said City, may, and shall, during his continuance in office, have and exercise within the limits of the City, all power and authority, which is possessed or can be exercised by a Magistrate of the said City, with this exception only, that he shall not sit as a Magistrate in Court, or hear or determine any civil case out of Court. And if in any case, a Magistrate of the said City shall be appointed a Police Master, such appointment is hereby declared to vacate that of a Magistrate, and the vacancy thereby occasioned shall be supplied as in other cases.

4. The said Court of Hustings shall be, and hereby is authorised, so soon as the term for which Constables have been appointed for the said City shall expire, to appoint one fit and proper person, to serve as Constable for the said City for the term of one year; and every person so appointed, shall at the same time, or the next term of the said Court, take the oath required to be taken by a Constable, and enter into bond with sufficient security, to be approved by the Court, in the penalty of five thousand dollars, with such condition as is now prescribed by Law in such cases; and at the end of the term for which any Constable shall be appointed for the said City, or in case of the death, resignation or removal, of any Constable thereof, the said Court shall make a new appointment of a Constable, who shall take an oath, and enter into bond with security as aforesaid. Constables to be appointed by virtue of this act, shall be entitled to the same fees, and have and exercise the same powers and duties, and be subject to the same pains and penalties, as are prescribed by Law as to other Con-

stables; and shall be authorised, with the approbation of the Court to appoint a Deputy or Deputies, who may at any time be removed from office by the Court for good cause to them shewn.

5. *And be it further enacted*, That the Notaries Public within the said City, shall be and hereby are authorised to examine and take the affidavits or depositions of witnesses, in like manner as the same may be now taken by Magistrates of the City, and which shall be considered as valid and effectual, as if the same were taken or received by the said Magistrates; and if any person sworn by a Notary Public, shall give any evidence under such circumstances, as would have constituted the same to be perjury, if done before a Magistrate, the same shall be deemed perjury, to all intents and purposes. The said Notaries, for receiving or taking the affidavits or depositions of witnesses, shall be allowed and paid by the person, at whose instance, the services are rendered, seventy-five cents for each affidavit or deposition so taken, and in all cases where the affidavits or depositions so taken, shall be filed in causes in a Court of Record, the aforesaid fees shall be taxed in the bill of costs, and recovered by the party prevailing. *Provided*, That no charge shall be made or taxed, on the Notarial Seal, which shall be affixed to any of the said affidavits or depositions.

6. This act shall be in force, from the first Wednesday in April next.

CHAP. XXIV.

An Act, to reduce the width of certain Streets on Shockoe Hill in the City of Richmond.

[February 3, 1809. Ch. 89. Ses. Acts, p. 83.]

1. *BE it enacted by the General Assembly*, That all the streets on Shockoe Hill in the City of Richmond, except the one known in the plan of the said City as H street, and that part of E street, which is Eastward of the street leading from the Capitol into said E street by Harris's brick building, shall henceforward be reduced to the width of sixty-six feet; any thing in the proceedings of the Directors of the Public Buildings, or any act of the General Assembly to the contrary notwithstanding; and the ground exceeding the width of sixty-six feet, heretofore considered as forming any part of the said streets, shall henceforward be annexed to the respective squares, so as to increase each square upon Shockoe Hill to two acres.

2. *And be it further enacted*, That the ground hereby taken from the streets and added to the squares, shall be vested in fee simple in the person who has the like estate in the ground which is at present bounded by such street, so as to bound his ground by the same streets after the width of such streets shall be reduced as before.

3. All acts and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. XXV.

An Act, providing for the Pavement of the Streets within the City of Richmond.

[February 7, 1811, Ch. 21, Ses. Acts, p. 27.]

1. *BE it enacted by the General Assembly,* That it shall and may be lawful for the Common Council of the City of Richmond, whenever they may deem it proper, or whenever a majority of the owners of lots on any particular street or square, or a part of a street or square, shall in writing under their hands, petition the said Common Council for that purpose, to cause any street or square or part of any street or square within the said City to be properly paved: And the said Common Council shall have power and authority to lay taxes in order to raise funds sufficient to meet the expenses of the said pavement. *Provided,* That the owner or owners of any lot or lots upon such street or square so to be paved shall not be compelled to pay more than two-thirds of the expense of paving such street or square, or part of such street or square.

2. *And be it further enacted,* That the said Common Council shall be, and they are hereby authorised and empowered to appoint and employ some discreet person of skill and experience in graduating and paving streets (whose salary shall be estimated and included in the general expense) whose duty it shall be, under the direction of the said Common Council, or of any person or persons appointed by them to graduate and level the streets and superintend the pavement thereof.

3. The said Common Council shall have power to appoint a Collector, who in collecting the said taxes, may proceed against the goods and chattels of the party so taxed in the same mode, that distress and sale for payment of public taxes is now made. The said Collector shall give bond and security to said Common Council for the faithful discharge of the duties of his Office, and may be proceeded against in like manner as is provided against the Collector of public taxes.

4. When the owner of any lot situated on any street or square thus paved, or begun to be paved, shall reside out of the limits of said City, and such lot may be in the occupancy of any other person, such person being so in possession shall be liable for the tax on said lot, and shall be allowed to deduct the same from the accruing rent.

5. In every case of non-residence, where the property subject to the tax so to be imposed, shall be vacant, and the proprietor thereof shall have no property within the Corporation subject to distress, and sufficient to raise the tax due, it shall be lawful for the said Collector in the name of the Corporation to recover the amount of the tax so due from such person or persons by motion in a summary way before any Court within this Commonwealth, ten days notice of such motion being given to the person or persons chargeable with the amount of such taxes.

6. *And be it further enacted*, That all power which may be necessary in the Common Council to carry this act fully into effect, shall be, and the same is hereby given to that body.

7. This act shall commence and be in force from the passing thereof.

CHAP. XXVI.

An Act, concerning the Constable for the City of Richmond, and for other purposes.

[February 19, 1812, Ch. 91, Ses. Acts, p. 122.]

WHEREAS doubts exist in regard to the operation of the fourth section of an act which passed on the sixth day of February, one thousand eight hundred and eight, entitled, "An act, for increasing the number of Magistrates within the City of Richmond, and for other purposes therein mentioned;" which section relates to the powers and duties of Constables; and whereas, the City of Richmond being within the limits of the County of Henrico, the County Constables assume and exercise within the said City the powers and duties which were given to the Constables appointed by the County Courts by an act which passed on the tenth day of January, one thousand eight hundred and seven, entitled, "An act, to amend an act, concerning Constables;" for remedy and explanation whereof,

1. *Be it enacted by the General Assembly*, That in future it shall not be lawful for any Magistrate of the County of Henrico to issue a warrant for the recovery of any debt or damages by one citizen of the said City of Richmond against another citizen of the same City; but such debts or damages shall alone be cognizable before the Magistrates of the said City of Richmond. And it shall not be lawful for any Constable appointed by the Court of Henrico to execute any warrant in any such case, or to levy, within the said City, an execution issued upon a judgment obtained thereon.

2. *And be it further enacted*, That if any Constable appointed by the Court of Henrico shall presume to execute any warrant issued by a Magistrate of the City of Richmond, or to levy within the said City any execution issued upon a judgment rendered on such warrant, every Constable so offending shall incur the like pains and penalties, to be recovered in like manner, as are provided by an act passed on the tenth day of January, 1810, entitled, "An act, to amend an act, concerning Constables," against Constables executing warrants or levying executions in the districts of other Constables.

3. All acts and parts of acts coming within the purview of this act shall be and the same are hereby repealed.

4. *Provided always*, That nothing in this act contained shall be construed to prevent the Constables of the County of Henrico from executing all warrants now in their hands respectively, nor from levying executions issued upon judgments obtained thereon."

5. This act shall commence and be in force from the passage thereof.

CHAP. XXVII.

An Act, concerning the Common Hall of the City of Richmond.

[February 1, 1813, Ch. 65, Ses. Acts, p. 93.]

1. *BE it enacted by the General Assembly,* That the Common Hall of the City of Richmond be and is hereby empowered to lease, sell, or use, a certain piece or parcel of land, lying in the said City, which was ceded by William Byrd, in the year 1742, as a Common, for the use of the inhabitants of the Town of Richmond, forever, in such manner as the said Common Hall may think most to the advantage of the said City; and the proceeds or profits arising therefrom shall be applied by the said Common Hall as the other funds of the said City. *Provided, however,* That nothing in this act shall be so construed, as to affect, in any manner, the property lying in said City, touching which a suit is now depending in the Richmond Chancery Court, between Richard Adams, the heirs of the late William Byrd, and the Corporation of the said City of Richmond, or to affect the private rights of any person or persons whatsoever.

2. This act shall commence and be in force from the passing thereof.

CHAP. XXVIII.

An Act, concerning the Public Property in the City of Richmond.

[February 28, 1816, Ch. 14, Ses. Acts, p. 28.]

7. *And be it further enacted,* That, for the proper regulation of the Police of the Public Square, after the same shall have been enclosed, the Corporation of the City of Richmond shall be; and they are hereby empowered to enact and to enforce such Ordinances in relation thereto, as they may deem proper, subject however to be approved, altered, suspended and repealed by the Executive at their discretion. They may also, subject in like manner to the control of the Executive, grant, or refuse licenses for the sale of refreshments therein, between such hours in the day as they may prescribe, and charge for such licenses such price as may seem to them reasonable; the proceeds of such licenses to be applied to the maintenance of a Keeper or Superintendent of the Public Square, who shall be appointed by the said Corporation; be paid thereby for his services, and be charged with the preservation of the turf, walks, and trees of the said Square: *Provided,* That nothing herein contained shall be deemed to impair the full and perfect title of the Commonwealth in and to the said Square; or the right of the Commonwealth to sell, or otherwise dispose of the same at any future period.

8. This act shall commence and be in force from the passage thereof.

CHAP. XXIX.

An Act, authorizing the Common Hall of the City of Richmond to change the width and bearings of the Street therein mentioned.

[February 19, 1816. Ch. 93. Ses. Acts, p. 213.]

1. *BE it enacted by the General Assembly*, That the Common Hall of the City of Richmond is hereby authorized and empowered to make such changes in the width and bearings of so much of eleventh street, as is situated between the streets designated by the letters D and E, as to them may seem proper: *Provided however*, That nothing herein contained shall be construed to authorize the said Common Hall to levy any tax on the inhabitants of the said City, in consequence of such changes.

2. This act shall be in force from the passing thereof.

 CHAP. XXX.

An Act, authorizing the Common Hall of the City of Richmond to make certain changes in the Streets of the said City.

[February 3, 1817. Ch. 107. Ses. Acts, p. 168.]

WHEREAS it is represented to the General Assembly, that the changes herein authorized to be made in certain streets in the City of Richmond, will be advantageous to the said City, and that the consent of the persons whose property may be affected thereby has been obtained;

1. *BE it therefore enacted by the General Assembly*, That the Common Hall of the City of Richmond be and the same is hereby authorized and empowered, to extend a certain street in the said City, called D street, from its present termination at 25th street, to Rocketts street; also to discontinue or put down Pine street, and to make such changes in Oak street, as to the said Common Hall may seem proper or necessary: *Provided however*, That, in the execution of this act, it shall not be lawful for the Common Hall of the said City of Richmond to affect the estate or property of any person whatsoever, unless the consent of such person to the proposed alteration, according to the provisions of this act, shall have been first obtained, and entered of record in the Hustings Court of the City of Richmond.

2. This act shall be in force from and after the passing thereof.

CHAP. XXXI.

An Act, reducing into one act the several acts concerning the election of Members of the General Assembly, and for other purposes.

[January 27, 1818.—January 1, 1819. Ch. 51. 1 R. C. p. 155.]

13.—The Mayor of the City shall conduct the election of Delegate, Senator, and Member of the House of Representatives, of the United States.

15.—And if the Mayor, shall, by death or any other cause whatever, be unable to attend and conduct the election according to the provisions of this act, then the Recorder, or if there be no Recorder, or he be unable to attend, the Senior Alderman capable of attending shall attend and conduct such election according to Law.

17. The said Magistrates, Recorder or Alderman, in case of refusal, shall be subject to all the penalties to which Sheriffs are liable, and shall be entitled to the same compensation.

40. The Sheriffs and other Officers conducting an election for a Senator to the General Assembly, [or Member of the House of Representatives of the United States, (Act, February 6, 1813. Ch. 50. 1 R. C. p. 150,)] shall be allowed one dollar and sixty-seven cents per day, for each day on which they shall necessarily attend to compare the different polls; and four cents per mile for travelling to and from the place appointed for that purpose, besides ferriages; to be paid out of the Treasury, on warrant from the Auditor of Public Accounts.*

* See *Ante* Ch. XIV. p. 19.

CHAP. XXXII.

An Act, concerning the Court of Hustings for the City of Richmond.

[February 2, 1818. Ch. 99. Ses. Acts, p. 166.]

WHEREAS it is represented to the General Assembly, that it may become necessary to hold the Hustings Court for the City of Richmond in some other place than the Court-House of the County of Henrico, wherein it is now authorised to be holden by Law,* and doubts exist whether any removal can be effected without the sanction of the Legislature:

1. *BE it therefore enacted by the General Assembly,* That the said Court of Hustings be and the same is hereby authorised, at any Session thereof after the passing of this act, by order entered of record, to direct public notice to be given in the said City, that the Sessions of the said Court will be in future held in the Court-House now

* See *Ante* Ch. IX. Sec. 3, p. 13, and the Order of the *Hustings Court*, July 15, 1782, and of the *County Court of Henrico*, August, 5, 1782.

building in the said City, or in such other place within the same, as the said Court may appoint and adjourn to, and to make a similar order whenever hereafter it shall in the judgment of the said Court be proper so to do. And that all proceedings of the said Court shall be as valid, and have the same effect, as they would or might have had if the said Court had sat in the house formerly made use of for holding the Sessions thereof.

2. This act shall be in force from the passing thereof.

CHAP. XXXIII.

An Act, extending the Jurisdiction of the Magistrates of the City of Richmond, and for other purposes.

[March 2, 1819, Ch. 118, Ses. Acts, p. 158.]

1. WHEREAS an application has been made to the General Assembly of Virginia, by the Common-Hall and Citizens of the City of Richmond, to enlarge the jurisdiction of the Magistrates of the said City, and to authorize the Common-Hall to make them compensation for their services:

2. *Be it therefore enacted*, That a Mayor shall be annually appointed for the said City in the mode now prescribed by law, except that he may be chosen from the body of the Citizens of the said City, or from the Members of the Common-Hall, as the electors may think best: if elected from the Members of the Common-Hall, the vacancy occasioned by his appointment, shall be filled by the Hall, from the Ward in which the Mayor elected shall have resided.

3. If the person elected Mayor, shall refuse or omit from any cause to qualify to his appointment for the space of one month after his election, the Hall may proceed as soon thereafter as they may think fit to elect another in his place, and may proceed from time to time to a new election, whenever, for the cause aforesaid, it shall in their opinion be proper so to do.

4. The Mayor may be re-elected from year to year without limitation: He shall keep an Office in some convenient part of the City, and shall be the Keeper of the Seal of the Corporation; his jurisdiction shall extend to all breaches of the peace committed within the jurisdiction of the City, and to all infractions of the City Ordinances, and his judgments touching the same shall be final: *Provided, however*, That if the party prosecuted for a breach of the peace, before the said Mayor, shall pray an appeal from the judgment or sentence of the said Mayor, to the next Court to be held for the said City, having cognizance of such cases, the appeal shall be allowed and certified by the said Mayor to such Court, provided that the party praying such appeal do acknowledge, before the said Mayor, a recognizance in a reasonable penalty with sufficient security to appear at such Court on the first day thereof and there to remain until discharged by due course of law, which recognizance shall be returned to such Court by

the Mayor, and filed with the said certificate of appeal. In all such cases of appeal, it shall be the duty of the said Mayor to take a recognizance from the witnesses, on the part of the prosecution, to appear at the Court to which such appeal shall be certified, on the first day thereof, and there to remain until discharged by the Court; which recognizance shall also be returned to the said Court, with the certificate of appeal. The said Mayor shall superintend and control the Officers of Police and the Night Watch, in the said City, pursuant to the Ordinances now in force, or which may be hereafter passed by the Common Hall.

5. In case of the death, resignation, inability or absence of the said Mayor from the said City, or his refusal or omission to qualify, the Recorder, or, in case of his death, resignation, inability, absence, refusal or omission to qualify as aforesaid, the Senior Alderman shall possess and exercise all the powers of the Mayor.

6. The Mayor, Recorder and Aldermen of the said City shall henceforth receive for their services a compensation, to be fixed by the Common-Hall, and to be paid out of the funds of the City.

7. The elections of Members of the Common-Hall in the respective Wards of the said City, shall in future be held on the second Wednesday in April in each year, instead of the time now prescribed by law. [See *Ante* p. 22, Note.]

8. All and every act or acts, parts or clauses of acts coming within the purview of this act shall be, and the same are hereby repealed.

9. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXIV.

An Act, to amend an act, concerning the Constables for the City of Richmond.

[February 18, 1820, Ch. 112, Ses. Acts, p. 90.]

1. *BE it enacted by the General Assembly*, That all writs of *Capias ad Satisfaciendum* hereafter to be issued by the Clerk of the Hustings Court for the City of Richmond, upon judgments obtained before any Magistrate, may be directed to the Constable of the said City, who shall execute the same in like manner as the Serjeant of the said City is now required to execute such process; and that the Court of Hustings for the said City be authorised and required to take such additional security of the said Constable, as to the said Court may seem necessary.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXV.

An Act, to authorise the Common Council of the City of Richmond, to recognize and establish certain Streets within the limits of said City.

[January 22, 1828, Ch. 129, Ses. Acts, p. 96.]

WHEREAS, doubts have been entertained whether the Common Council of the City of Richmond, can rightfully exercise jurisdiction over certain Streets, Lanes and Alleys in said City, ceded by individuals to the use of the Public, but which are not laid down in the original plan of the Town:

1. *Be it therefore enacted by the General Assembly*, That the Common Council of the City of Richmond be, and they are hereby authorised to exercise jurisdiction over any Street, Lane or Alley, in said City, which has heretofore been, or may hereafter be ceded to the Public by individuals, in as full and complete a manner, as that exercised over Streets, Lanes and Alleys, laid off in the original plan of said City: and that the said Common Council be authorised from time to time, as they may deem it expedient, to ascertain the lines, and width of said Streets, Lanes or Alleys, and to receive, recognize and establish the same, to all intents and purposes, as fully and effectually as any other Streets, Lanes or Alleys, in said City.

2. This act shall commence and be in force from the passing thereof.

 CHAP. XXXVI.

An Act, to authorise the Common Council of the City of Richmond to cause said City to be supplied with Water in certain cases, and to impose taxes to defray the expense thereof.

[January 29, 1829, Ch. 129, Ses. Acts, p. 127.]

1. *BE it enacted by the General Assembly*, That whenever two-thirds of the owners of lots on any street or square, or part of any street or square in the City of Richmond, the assessed value of which said lots with their improvements, shall amount to at least two-thirds of the assessed value of all the real property on any such street or square, or any part of such street or square, shall in writing, signed by their own proper hands, petition the Common Council of said City, to cause any such street or square, or part of any such street or square in said City to be watered through iron or wooden pipes, the Common Council of said City shall be, and they are hereby authorised, if to them it shall seem proper, to cause said work to be executed, and to indemnify the Corporation for any sum or sums of money which may

ORDINANCES

OF THE

CITY OF RICHMOND.

CHAPTER I.

An Ordinance, prescribing an Oath of Office, of a Common Councilman.

[Passed July 19, 1827.]

1. *BE it Ordained by the President and Common Council of the City of Richmond, in Common Hall assembled, That every person who may hereafter be elected into the Common Council of the said City, shall take the following oath: "I A. B. do swear, (or affirm, as the case may be) that I will, well and truly execute the Office of a Common Councilman of the City of Richmond, to the best of my skill and judgment, without favor, affection or partiality, malice, hatred or ill will; and that I will endeavor, as long as I enjoy the Office aforesaid, to exercise the same, to the utmost advantage of the said City. So help me God."*

2. The oath aforesaid, shall be administered, in the Court of Hustings, or in the Common Hall by the Clerk thereof; of the administering of which, an entry shall be duly made, in the Records of the said Court, or proceedings of the said Hall.

3. No person hereafter elected to the Common Council, shall act as a Member thereof, until he shall have taken the oath aforesaid.

4. This Ordinance shall commence and be in force, from and after the first of January, one thousand eight hundred and twenty-eight.

CHAP. II.

An Ordinance, for the regulation of the Streets, Lanes and Alleys within the City of Richmond, and for other purposes.

[Passed August 23, 1827.]

1. *BE it Ordained, and it is hereby Ordained by the President and Common Council of the City of Richmond in Common Hall assembled,* That immediately after each annual election of Members of the Court of Hustings, there shall be appointed out of the Members of the Common Council elected for each Ward in this City, at least three persons, and the nine persons thus appointed, shall act as, and be called Commissioners of Streets. The persons thus appointed as Commissioners of the Streets, shall continue to act in that capacity, during the term for which they may be elected to represent the City in Common Hall, unless they shall resign the appointment aforesaid. In all cases of resignation or vacancy, by death or otherwise, in the Commissioners of Streets, the Common Council shall by new appointments, out of the Members of the Hall, fill up such vacancy, so that there may be always three Commissioners of the Streets resident in each Ward. It shall be the duty of the Commissioners of Streets, or a majority of them, immediately after their appointment, to fix on some day or days, as early as possible, when they shall convene and proceed through the different Wards, view the several Streets, Lanes and Alleys therein, and note the repairs and improvements necessary to be made about the same. And thereupon it shall be the duty of the Commissioners of Streets in each Ward, to cause such repairs and improvements to be made in their respective Wards, or any others which they may deem necessary therein; and to that end, may sign and make contracts, for the execution of the work: *Provided,* That the expense which may be incurred by the Corporation in consequence thereof, shall not exceed the sum of one hundred and twenty dollars in any one year; unless the Commissioners within such Ward, shall, by a majority of the whole Commissioners, be authorized within such period, to expend a larger sum of money for the purposes aforesaid. Whenever a Street which separates two Wards, shall require repairs, the same shall be made at the joint expense of both of the said Wards. All monies for the payment whereof the Corporation shall be liable by virtue of contracts entered into by the Commissioners of any Ward, shall be paid by the Chamberlain on order or certificate of such Com-

missioners, stating the amount and on what account it shall be due; and that the amount of expenses incurred by the Commissioners in each Ward, and the particular causes thereof may be known to the other Commissioners, it is hereby declared to be the duty of the Commissioners or those who act in each Ward, once in every three months, to render to the Commissioners of the other Wards, or file with the Chairman of the Commissioners, an account exhibiting the amount of monies expended by them in the preceding three months, the objects of such expenses, and any contracts or agreements entered into by them, whereby the Corporation may become chargeable for the payment of any money. That the Commissioners of Streets may be enabled to cause the Streets, Lanes and Alleys to be kept in repair, the Common Council shall, for that purpose, from time to time, grant such sums of money as they shall think proper to be appropriated under the direction of the said Commissioners. The Commissioners of the Streets, at the regular Meeting of the Hall to be held in the month of March, or any other Meeting called for that purpose, in every year, shall render to the Hall an account, stating the most important improvements made by them to the Streets, Lanes and Alleys in the City, the sums expended about them, particularly the sum total expended by the said Commissioners, and the balance, if any, remaining unappropriated of the sums granted them by the Corporation. The right is hereby retained to the Common Hall, of acting and directing on any subject respecting the Streets: *Provided*, The same shall not annul or interfere in any contract or agreement entered into by the Commissioners, so as to charge them in their private capacities on account thereof. If the Commissioners of Streets should disagree and be equally divided, upon any subject relative to their duties under this Ordinance, the same shall be referred to and decided by the next Hall, and the Commissioners shall thereafter act in conformity to the decision of the Hall relative to such difference. No number of the Commissioners of Streets shall be considered as a majority, unless there be present at least one Member from each Ward. And it shall be the duty of every occupier of a house, to cause the Gutters which have been or may be made, to be constantly kept open and free from obstructions, as far as the ground occupied by him or her extends; and in case of failure so to do, he or she shall be liable to a fine of four dollars, for every twenty-four hours that obstructions shall be suffered to remain in those parts of the said Gutters, after notice thereof be given to such occupier by any Commissioner of Streets, or by any Magistrate, or by the High Constable, or by any of the Deputies of Police.

2. *And be it further Ordained*, That the several acts or offences immediately hereinafter enumerated, shall be considered as Nuisances in the Streets, and every person who shall be guilty of, or occasion any or either of them, shall be punished as follows: Whosoever shall convey or cause to be conveyed, dirt, rubbish, filth, or other offensive matter, from his or her own lot, or any other place, and deposit the same upon any Street, shall be liable to pay a fine not exceeding four dollars, and also a sum not exceeding one dollar, for every hour the same shall remain. Every person who shall suffer to be placed in a Street, Lane or Alley, before his or her door or lot, dirt, stones, rubbish, filth; noxious or offensive matter or obstructions, and shall suffer the same to remain unremoved, more than four hours, shall be liable to pay fifty cents for every hour the same shall so remain: *Provided, however*, That Vendue Masters and others selling at Public Auction, shall on the days of their public sale, be permitted to occupy with articles intended for sale, one half of the Foot-Way, and one third of the Street between the curb stones, next to their Auction rooms, and no more: and the said articles to be removed in one half hour after sunset of the days of public sales, under the penalty of six dollars and sixty-six cents for every hour during the continuance of such obstruction, to be recovered for the use of said Corporation, as other debts under twenty dollars are by Law authorised to be recovered. *And provided also*, That any Citizen may place his or her goods upon the Side Walks, as far out as the outer edge of the cellar huts or doors where they exist, and do not extend out from the house more than one half the Side Walk, and where they do thus extend further, then any Citizen may occupy with his or her goods one half such side walk, and in all cases where such huts or cellar doors do not exist, then any Citizen may occupy one half the Side Walk, and no more, with his or her goods; but this privilege is not to be construed to abridge the powers herein given to the Commissioners of Streets. *Provided also*, That it shall be lawful for the Commissioners of the Streets, or any of them, of the Ward wherein any person or persons shall be building or about to build any house, or make other improvements on any lot or lots, to permit such persons, so long as the said Commissioners shall think proper, to put in such part of the Street adjoining thereto, as will thereby occasion the least inconvenience to others, such materials as may be necessary about such buildings or other improvements, and which cannot conveniently be deposited on the ground of such person. Any person who shall ride on the Foot-Way of a Street, or

drive any wagon, cart, dray, chair, charriot, or other carriage on the same, or lead or tie a horse thereon, shall be subject to a penalty not exceeding one dollar for every offence. Whosoever shall run a horse race, or cause the same to be run, or strain a horse within the limits of the City, shall, for every such offence, be liable to a penalty not exceeding forty shillings; and where the offender in any case mentioned in this Ordinance, shall be a slave, he or she shall receive, on his or her bare back, such number of stripes as a Magistrate may direct, not exceeding thirty-nine. And if any such offender shall be a free person, who cannot render immediate payment of the fine imposed on him or her or give security to pay the sum in twenty-four hours, he or she may at the discretion of a Magistrate, be committed to Jail for such space of time as he may direct, not exceeding six days, unless the fine shall be sooner paid, in which case the offender shall be immediately discharged. Any of the Nuisances herein enumerated, which may be erected, placed or occasioned in any Street, Lane or Alley, may be abated or removed by order of the Commissioners of Streets, or any one of them, in the Ward, where the same may be, or by any Magistrate or any Officer of Police and at the expense of the persons who shall occasion them; and should such person or persons refuse to pay the said expense, it shall be lawful for any Magistrate of the City or the Court of Hustings thereof, where a single Magistrate hath not jurisdiction, to award judgment, for the amount of such expense. Any person who shall place or occasion any Nuisance in a Street, Lane or Alley, for the removal whereof, and punishment of the offender, no provision is particularly made, shall for every such offence, be liable to a fine, not exceeding six dollars, and such Nuisance may be abated or removed, and the expense attending the abatement or removal, recovered as aforesaid.

3. *And be it further Ordained by the authority aforesaid, That* it shall be the duty of the Commissioners of Streets, on the twenty-fourth day of December in every year, or so soon thereafter as may be convenient, to hire a sufficient number of able-bodied young and healthy negro men to work on the Streets of this City for one year, and also from time to time to procure by purchase or hire, a sufficient number of horses, mules, carts and tools for the said hands to be employed in the same work; to contract for furnishing food, clothing and lodging for said negroes, provender and stabling for the said horses and mules, with a shelter for the carts, gear and tools, taking

from the Contractor or Contractors, bond with approved security, payable to the Mayor, Aldermen and Commonalty of the City of Richmond and their successors in office, in such penalty and with such condition as the said Commissioners may prescribe, and the same to be lodged with the Chamberlain of the City for safe-keeping, and may be put in suit in case of the breach of the condition, by order of the Common Hall or Commissioners of Streets.

4. *And be it further Ordained,* That the Commissioners of Streets, be and they are hereby authorised and required, annually to appoint an Overseer of the hands employed in working on the Streets in this City, whose duty it shall be to superintend and carry into effect all repairs and improvements of the said Streets that may be ordered and directed by the said Commissioners of Streets, or the Commissioners of each Ward, or by the Common Hall, and to do and perform, if required by the said Commissioners of Streets, all or any of the duties authorized to be done by them in this Ordinance. The said Overseer, before he acts as such, shall give bond and good security, payable to the Mayor, Aldermen and Commonalty of the City of Richmond and their successors in office, to be approved by the Commissioners of Streets or by the Common Hall, in the penal sum of one thousand dollars, conditioned for the due and faithful performance of the duties of his Office, and which bond shall be lodged with the Chamberlain for safe-keeping, and in case of any breach of the condition thereof, may be put in suit by order of the Common Hall or Commissioners of Streets. The said Overseer shall be allowed and paid for his services, a salary at the rate of four hundred dollars per annum, but may be removed from Office at the pleasure of the Common Hall or of the Commissioners of Streets, in which event he shall be allowed and paid a proportionate part of his salary according to the time he shall have served, unless it shall appear, that in consequence of misconduct, he is not reasonably entitled to the same.

5. *And be it further Ordained, by the authority aforesaid,* That the Committee of Streets or other Agent of this Hall, who may be appointed to superintend streets, shall have power and authority to lay out Foot-Ways upon each and every Street in manner following, viz: Upon Streets the width whereof shall exceed one hundred feet, eighteen feet shall be laid out as a Foot-Way; and under one hundred feet, shall be twelve feet: upon Streets the width whereof shall be sixty and under sixty-five feet, twelve feet: upon Streets, the width

whereof shall be fifty and under sixty feet, ten feet: upon Streets the width whereof, shall be forty and under fifty feet, seven feet: upon Streets, the width whereof shall be thirty and under forty feet, five feet.

6. *And be it further Ordained*, That no Street, the width whereof shall be less than thirty feet, shall be entitled to a Foot-Way: *Provided*, That nothing herein contained, shall affect the Foot-Ways which have been or may be laid out on E Street.

7. *And be it further Ordained*, That when in the prosecution of the graduation of the Streets of this City, any Street shall be cut down below the level of the adjoining lots, the Committee of Streets or any other Agent of this Hall, shall be and they are hereby authorised to cause the like improvement or cutting down of the Foot-Way: *Provided*, Such cutting down and improvement shall not interfere with any house or houses on such adjoining lot or lots, unless the proprietors shall consent thereto.

8. *And be it further Ordained*, That every person hereafter building or repairing on any Street, the width whereof shall exceed fifty feet, shall be permitted to make Cellar Doors to extend five feet in the Foot-Way and no more, and that no person shall have the privilege of making such erection, in any Street below the width of fifty feet.

9. *And be it further Ordained*, That all the fines, forfeitures and penalties provided by this Ordinance, shall in the usual mode, be recovered before, or inflicted by the Judgment of a single Magistrate, or the Court of Hustings of this City, as may be most proper, according to the nature of the case; the amount whereof, shall be applied and appropriated to the benefit of the City and in aid of the other funds thereof.

10. This Ordinance shall commence and be in force from and after the first day of January, one thousand eight hundred and twenty-eight.

CHAP. III.

An Ordinance, concerning the recovery and appropriation, of certain Fines and Penalties.

[Passed August 31, 1827.]

1. *BE it Ordained by the President and Common Council of the City of Richmond, in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That the whole amount of all fines or penalties in money, which shall be recovered or received, for breach of any Ordinance, or Regulation of the Common Hall, shall be applied and appropriated to the benefit of the Corporation, in aid of the other funds thereof.

2. *And be it further Ordained,* That any of the said fines or penalties, for the recovery whereof no particular mode is, or shall be specified, shall be recovered by warrant, before any Magistrate of the City.

3. This Ordinance shall commence and be in force, from and after the first day of Janaury, in the year one thousand eight hundred and twenty-eight.

 CHAP. IV.

An Ordinance, reducing into one the several Ordinances, for regulating the appointment of a Weigh Master, and for other purposes.

[Passed October 2, 1827.]

WHEREAS frequent and great abuses have taken place, in the sale of Hay, Fodder and other Long Forage, whereby considerable gain has attached to the seller, at the expense of the purchaser: for remedy whereof,

1. *Be it Ordained by the President and Common Council of the City of Richmond, in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That at the May Session of the Common Hall in each year, (or in the event of failure to make a Hall, at the Hall next succeeding) there shall be elected by

the Common Hall, one fit person who shall be known by the name of the Weigh Master, and shall have the care of the Public Scales, which have been erected in the said City, by the authority of the said Hall. It shall be the duty of the said Weigh Master, or his Deputy, (who shall be appointed by the Hall) to attend the said Scales every day (Sundays excepted) from sun rise in the morning, until sun set in the evening, for the purpose of weighing all articles, which shall be brought to the said Scales, and shall grant certificates of all articles so weighed, specifying the name or names of the owner or owners, at whose instance any articles shall be weighed, and the true weight with the date thereof, and the signature of the Weigh Master or his Deputy: and each and every article so weighed and certified, shall be regularly entered into a book to be kept for that purpose, in terms corresponding with the certificate which shall be granted.

2. *And be it further Ordained*, That the Weigh Master or his Deputy, shall be, and he is hereby authorised, to examine and inspect in the best possible manner he can, all Hay, Fodder or other Long Forage, which shall be offered for weighing. And if the same shall be found Merchantable, he shall thereupon grant to the party applying for the same, the customary certificate: but if any such article shall, upon inspection, be found to be Unmerchantable, he shall refuse the same, unless the party applying shall assent to such a deduction from the gross amount, as in the opinion of the Weigh Master, shall render the residue Merchantable; or unless such applicant shall consent to receive a certificate, stating the quality and condition of such as may be by him, deemed Unmerchantable. And in all cases of refusal by the owner or applicant, to receive such special certificate, such owner or applicant shall be prohibited from selling or depositing the same within the limits of this City, under the penalty of five dollars for each offence, to be recovered by Warrant before any Magistrate for the said City, with costs.

3. *And be it further Ordained*, That the said Weigh Master, shall demand and receive from the person at whose request any article shall be weighed, the fee of twelve and a half cents, for each draft not exceeding five hundred pounds weight of any such article, and two cents additional for every hundred pounds of the weight of such article, exceeding five hundred pounds as aforesaid: *Provided always*, That no fee, so to be demanded for any one weight as aforesaid, shall exceed fifty cents, always deducting the weight of the carriage con-

taining such article, and the amount so collected, shall by the said Weigh Master be paid into the hands of the Chamberlain once in every six months. And each and every Weigh Master who shall be elected as aforesaid, shall before entering upon the duties of his Office, execute bond with security to be approved by the President of the Common Hall, in the penalty of one thousand dollars, payable to the Mayor, Aldermen and Commonalty of the said City, and conditioned for the faithful performance of all and every of the duties required from him by this Ordinance. In case of vacancy in the Office of Weigh Master, by death, resignation, or otherwise, a new appointment shall take place at the Hall next succeeding, or as soon thereafter as practicable.

4. *And be it further Ordained*, That from and after the passing of this Ordinance, no person shall purchase, sell or store any Hay, Fodder, or Long Forage, within the said City, brought therein either by land or water, but by weight under the certificate of the Weigh Master, under the penalty of five dollars, as well upon the buyer as seller; to be recovered by Warrant as aforesaid.

And Whereas, it frequently happens that sales of Hay, Fodder and other Long Forage, are made at Public Market, and the seller is induced for a trivial gain to violate his engagement, by selling to another person to the great inconvenience of the Citizens.

5. *Be it therefore Ordained*, That if a buyer or seller of the articles aforesaid, shall refuse or delay for one hour to execute any such contract fairly entered into, that the person or persons, so refusing or delaying to execute such contract, shall be subject to a penalty of five dollars for every such offence, to be recovered by Warrant as aforesaid.

6. *And be it further Ordained, by the authority aforesaid*, That the said Weigh Master for the services hereby required to be performed, shall be allowed the sum of three hundred dollars per annum, to be paid by the Chamberlain of the City, half yearly.

7. *And be it further Ordained*, That it shall be the duty of the Weigh Master or his Deputy when required, to weigh at the place of landing, all Forage in bales or bundles brought by water; provided that it amount to more than twenty bundles or bales, and provided the seller will furnish at the place, correct Patent Balances for that

purpose. *Provided however*, That nothing in this Ordinance contained, shall be so construed, as to compel the owner of any Hay, Fodder or other Long Forage, brought to this City by such owner, not for sale but for his own use, to have the same weighed.

8. All Ordinances, or parts of Ordinances coming within the purview of this Ordinance, shall be and the same are hereby repealed.

9. This Ordinance shall commence and be in force from the first day of January, one thousand eight hundred and twenty-eight.

CHAP. V.

An Ordinance reducing into one, the several Ordinances for regulating Weights and Measures, and providing for the sale of certain Articles by Weight.

[Passed October 13, 1827.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same*, That it shall be the duty of the Clerk of the Market, to provide at the expense of the Corporation of the said City, to be paid by the Chamberlain, Standard Weights and Measures of all denominations, agreeably to the Act of the General Assembly of this Commonwealth, entitled "An Act for the more effectually obliging persons to buy and sell by Weights and Measures, according to the English Standard." And the said Clerk shall cause such Standards to be kept in his Office, in the upper story of the Market House: and it shall be his duty at all times, when so required, to try with the Standard Weights and Measures aforesaid, and if found to agree, to stamp with the letters C. R, all Weights and Measures to him presented for that purpose. For which service he shall be entitled to demand and receive from each person requiring the same, the respective fees expressed in and by the said Act of Assembly, a copy of which Act, shall at all times be kept in his Office, for the information of persons concerned. And any Trader, who shall be convicted before a Magistrate of this City, of having sold any article by Weights or Measures, deficient in a proportion equal to more than two *per centum*, shall for every such offence be liable to a penalty of six dol-

lars and sixty-six cents, to be paid into the hands of the Chamberlain, for the benefit of the City.

And Whereas, great impositions have been practised, in the sale of Grain and other Articles by false and deceptive measures: for remedy whereof,

2. *Be it Ordained, by the authority aforesaid,* That any person or persons, who shall sell or buy, any Wheat, Corn, Meal, Rye, Oats, Bran, or Shorts, within this City, except by Weight, shall for every such sale, or purchase, forfeit and pay the sum of six dollars and sixty-six cents, to be recovered by warrant before any Magistrate of this City.

3. The average Weights shall be as follows, viz:

A Bushel of Wheat,	-	Sixty pounds,
Ditto of Corn,	-	Fifty-two pounds,
Ditto of Meal,	-	Fifty pounds,
Ditto of Rye,	-	Fifty-six pounds,
Ditto of Oats,	-	Twenty-eight pounds,
Ditto of Bran,	-	Twenty pounds,
Ditto of Shorts,	-	Thirty pounds.

4. All Ordinances or parts of Ordinances, coming within the purview of this Ordinance, shall be, and the same are hereby repealed.

5. This Ordinance to commence and be in force, from and after the first day of January, one thousand eight hundred and twenty-eight.

CHAP. VI.

An Ordinance, regulating Wagons, Drays and Carts, Hackney Coaches, and other Carriages for Hire, within the City of Richmond.

[Passed December 5, 1827.]

1. *BE it Ordained, by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That every owner of a Wagon, who shall wish to employ the same for hire within the said

City, shall once in every year, cause such Wagon to be entered with the Clerk of the Common Hall; and every owner of a Dray or Cart who shall wish to employ the same for hire as aforesaid, shall annually, cause such Dray or Cart to be entered with the said Clerk, and shall previously to obtaining a License, give Bond with such security, as may be satisfactory to said Clerk, payable to the Mayor, Aldermen and Commonalty of the City of Richmond, in the penalty of three hundred dollars, conditioned for the faithful delivery of all articles which may be entrusted to the driver of such Wagon, Dray or Cart, during the term for which such License shall be obtained, which Bond may be put in suit, and prosecuted from time to time, for the benefit, and at the proper costs and charges of any person injured by reason of the breach of the condition thereof, until the penalty therein expressed shall be fully recovered.

2. The Clerk of the Common Hall is hereby required to keep a Register of all Wagons, Drays or Carts with him entered, in regular numbers, to direct the numerical of said Register, with the initials of the owner's name to be annexed, in plain characters, in white paint on a dark ground, to each Wagon, Dray or Cart, and to grant unto every person, requiring it, a copy of such entry and number; and he shall be entitled to demand and receive for every such attestation twenty-five cents; and every owner who shall fail to make the entry by this Ordinance required, or shall neglect to cause the numerical and initials of the entry to be painted in large letters and figures on the sides of each Wagon and Cart, and on the shafts of each Dray, shall forfeit and pay the sum of four dollars for each and every offence.

3. Every person making an entry as before directed, shall account with and pay to the Clerk of the Common Hall, twenty dollars for each Wagon, Dray or Cart, and a like sum for every renewal of such Register.

4. It shall be the duty of the Mayor previously to the first day of January, in each year, to make report in writing to the Clerk of the Common Hall, of such drivers of Wagons, Drays and Carts, as are, in his opinion, improper persons to drive the same, and the Clerk shall, upon receiving such representation, refuse a License to any owner of a Wagon, Dray or Cart to be thereafter driven by the same driver: *Provided*, That such owner may have the right of appealing from such decision of the Clerk, to the Common Hall.

5. The owner or possessor of any Wagon, Dray or Cart, employed in the transportation of Tobacco, Flour, Hemp, Coal, Lime, Sand, Bricks, Stone, Tile, or Timber, although such employment be for the benefit of the owner, shall once in each year, enter the same with the Clerk of the Common Hall, under the same penalties, conditions and restrictions as are herein before prescribed: *Provided*, That no bond shall be required from such owner. The owner of every Wagon, Dray, or Cart entered on the terms prescribed in this section, shall, when entering the same, pay to the Clerk of the Common Hall, two dollars and fifty cents for each wheel: *Provided, always*, That such entry shall not be required of the owner of a Cart or Wagon, employed exclusively in transporting Fuel or Provisions for the consumption of his or her own family.

6. The owner or driver of a Wagon, Dray or Cart, whether licensed or not, who shall suffer the same to pass or stand upon any Street within the City, except when receiving or discharging his load, without holding in his hand reins of sufficient strength, or shall permit his Horses, Mules or other beasts of burden to be driven faster than a walk, or shall drive upon the Foot-Way, or wantonly smack a whip to the annoyance of the Citizens, or shall feed or permit to be fed in any Street, any Horses, Mules or other Beasts, or shall drive his Wagon with a wheel locked when passing upon any Paved Street, shall for each offence, forfeit and pay the sum of two dollars, if a free man, or receive any number of stripes not exceeding ten, if he be a Slave.

7. If any driver of a licensed or unlicensed Dray, Cart or Wagon, shall be convicted of beating his Horses or Mules cruelly with a stick or the but end of the whip, or otherwise, if a free man, shall forfeit and pay for every such offence four dollars, to be recovered by Warrant before any Justice of the Peace for the City of Richmond, and if a Slave, he shall receive any number of stripes, in the discretion of a Magistrate, not exceeding twenty.

8. A full Dray or Cart load or load of a Wagon drawn by two Horses only, shall be considered 1500 pounds weight, provided that a Hogshead of Tobacco or Sugar not exceeding in weight eighteen hundred, shall be considered as a load for two Horses, and a load for a Wagon drawn by four Horses three thousand pounds.

9. Every person who shall offer a load to any Wagon, Dray or Cart, shall pay the rate of carriage hereinafter to be prescribed, or

give a ticket signed with his, her or their names at full length, expressing the places from whence the load was taken, and the place at which it is to be delivered; and any person who shall be convicted of giving a ticket not conformable hereto, shall forfeit and pay four times the rate which is allowed for such load.

10. The rates for every Dray, Cart or Wagon drawn by two Horses, shall be as follows, viz:

	<i>Cents.</i>
From Rocketts' Landing to Rocketts' Warehouse, -	16
To Twenty-Fifth Street, - - - - -	18 $\frac{1}{2}$
To any place on Richmond Hill, - - - - -	25
To Twenty-Second Street, - - - - -	20
To Twentieth Street, - - - - -	25
To Seventeenth Street, - - - - -	25
To Fifteenth Street, - - - - -	30
To Thirteenth Street, south of F Street, - - - - -	30
To Eleventh Street, - - - - -	33
To any part of Madison Ward, west of Eleventh Street and between F Street and the Canal, - - - - -	35
To any part of Madison Ward, south of the Basin, - - - - -	37 $\frac{1}{2}$
To any part of Madison Ward, north of F Street, - - - - -	37 $\frac{1}{2}$
To the Armory, - - - - -	50
To Cunningham's Mills, - - - - -	50
To the Penitentiary, - - - - -	62 $\frac{1}{2}$
To any part of Monroe Ward, south of H Street, and east of Fourth Street, inclusive, - - - - -	42
To any part of Monroe Ward, north of H Street, and east of Fourth Street, - - - - -	44
To any part of Monroe Ward, south of H Street, between Fourth and First Streets, - - - - -	44
To any part of Monroe Ward, between H and L Streets, and Fourth and First Streets, - - - - -	50
To any part of Monroe Ward, west of First Street, and south of H Street, - - - - -	50
To any part of Monroe Ward, north of L street, and west of First Street, - - - - -	58
From the Basin to Shockoe Ware-House, - - - - -	12 $\frac{1}{2}$
To Fourteenth Street, - - - - -	16
To Seventeenth Street, - - - - -	18 $\frac{1}{2}$

To Nineteenth Street or the Dock,	-	-	20
To Twenty-Second Street,	-	-	25
To Twenty-Fifth Street,	-	-	25
To Rocketts' Ware-House,	-	-	28
To any place on Richmond Hill,	-	-	35
To Seabrook's Ware-House,	-	-	22
From thence to Rocketts',	-	-	25
To Philpots' Ware-House,	-	-	22
From thence to Rocketts',	-	-	25
To Ludlum's Wharf on Mayo's Island,	-	-	30
From Public Ware-House to Ludlam's Wharf,	-	-	33
To any part of Madison Ward, west of Fourteenth Street, and south of E Street, inclusive,	-	-	16
To any part of Madison Ward, north of E Street, and south- east of the Public Square,	-	-	18½
To any part of Madison Ward, north of the Public Square and Governor's House,	-	-	22
To any part of Madison Ward, south of H Street, and west of the Public Square,	-	-	20
To any part of Madison Ward, west of Ninth Street, and between H and K Streets,	-	-	25
To any part of Madison Ward, north of K Street,	-	-	30
To any part of Monroe Ward, south of H Street, and east of Fourth Street,	-	-	22
To any part of Monroe Ward, between First and Fourth Streets, and north of H Street,	-	-	28
To any part of Monroe Ward, south of H and west of First Street,	-	-	30
To any part of Monroe Ward, east of Fourth, and north of H Street,	-	-	28
To any part of Monroe Ward, between H and L Streets, and First and Fourth Streets,	-	-	30
To any part of Monroe Ward, north of L and west of First Street,	-	-	42
To the Penitentiary,	-	-	35
From the Penitentiary, to any part of H Street, west of Shockœ Creek,	-	-	25
To any part of E Street, west of Seventeenth Street,	-	-	37½

For all other distances, the rates established at places nearest there-
to. Double the above rates shall be allowed for a load in a Wagon
drawn by four Horses, or other beasts of burden.

11. And if any driver of a Licensed Wagon, Dray or Cart, shall be convicted of demanding or receiving any higher rates, than are herein before expressed, the owner thereof shall forfeit and pay the sum of four dollars for every such offence: *Provided*, that no other bargain was made previous to the driver taking on his load.

12. Every person wishing to keep for hire any Chariot, Coachee, Jersey-Wagon, Phaeton, Chair, Gig, or other pleasure Carriage, shall cause the same to be entered with the Clerk of the Common Hall in like manner, as is by this Ordinance prescribed, for the entry of Wagons, Drays and Carts.

13. The penalties for failing to enter, mark or number, any Chariot, Coachee, Jersey Wagon, Phaeton, Chair, Gig, or other Pleasure Carriage, shall be the same as are prescribed respecting Wagons, Drays and Carts, in the first and second Sections of this Ordinance—and it shall be the duty of the Mayor, and he may with like effect as aforesaid, enter his objections to any dirver or drivers of any such Carriage.

14. The Clerk of the Common Hall previously to granting the Certificate before mentioned, shall demand and receive three dollars per wheel on every Carriage so entered, which shall procure a Licence for one year, and twenty-five cents as his fee for making such entry.

15. The Rates for every such four-wheeled Carriage shall be as follows, viz: twenty-five cents for the use of such Carriage; provided the distance be less than ten Squares; and three cents per Square, if the distance be more than ten Squares. The price by the hour shall be one dollar for the first hour; and fifty cents for every hour thereafter; and fifty per centum additional upon the Rates: for services rendered after ten o'clock at night. No driver shall be compelled to receive more than four grown persons for the above Rates; from Cunningham's Mill to the intersection of the Canal in Fifth Street, shall be considered as three Squares; the distance between the point of intersection of Rocketts Street and E Street and the Bridge over Gillies Creek, shall be considered as five Squares; and the distance from the said Bridge to the Coal Yard adjoining Nicolson's Wharf, shall be considered as four Squares.

16. It shall be the duty of every driver of such Carriage to be at all times furnished with a Table of the above Rates, under the penal-

ty of two dollars for every such omission; and if any driver of a Licensed Carriage shall be convicted of demanding any higher Rate than is herein expressed, the owner or possessor thereof, shall forfeit and pay the sum of four dollars, for every such offence: *Provided*, that no other agreement shall have been made, at the time of employing such Carriage.

17. The driver of every Carriage, Wagon, Dray or Cart shall, when meeting any other Carriage, Wagon, Dray or Cart, drive to his right, and shall in no instance, stop his Carriage, Wagon, Dray or Cart, in the middle of any Street, Lane or Alley, nor opposite to any intersecting Street, Lane or Alley, but shall place the same, as near as may be practicable, to the Gutter or Foot-Pavement: And any driver herein offending shall be subject to the penalty of two dollars for every such offence, if he be a free man, and if he be a Slave, shall receive any number of lashes not exceeding fifteen; and the owner shall be liable for any damage or injury which may be caused by such improper conduct.

18. The Mayor, Recorder and Aldermen of this City, the Officers of Police, the Sergeant and Constables and their Deputies, shall each have authority to order any Carriage, Wagon, Dray or Cart, standing in the Street to be removed in such manner as may seem best for the convenience of others passing; and every driver refusing to obey such order, shall, if a Free Man, forfeit and pay five dollars, and if a Slave, receive not more than twenty lashes, at the discretion of a Magistrate.

19. When any of the offences enumerated in Sections sixth, seventeenth and eighteenth of this Ordinance, shall be committed in presence of any Officer of Police, Sergeant, Constables or their sworn Deputies, they and each of them shall have authority to arrest the offender, and conduct them without loss of time to a Magistrate, to be dealt with according to the provisions of this Ordinance; and such Magistrate shall have authority to award the sum of twenty-five cents for the safe-keeping of the Wagon, Dray, Cart or Carriage, during the absence of the driver, in addition to the other penalties hereby imposed.

20. All Ordinances, or parts of Ordinances, coming within the purview of this Ordinance shall be, and the same are hereby repealed.

21. This Ordinance shall commence and be in force, from and after the first day of January, one thousand eight hundred and twenty-eight.

CHAP. VII.

An Ordinance, for keeping in repair the Fountains in the Main Street of the City of Richmond, and for other purposes.

[Passed November 16, 1827.]

WHEREAS the Hall has at considerable expense, sunk several Wells and placed Pumps therein on H Street, and may from time to time sink others in like manner; and it is represented that sundry liberal and deserving inhabitants of the City of Richmond, have at their own expense, placed wooden pipes through which water is conveyed from the Basin of the Canal, through the Main Street of the said City as far as Shockoe Creek, and have erected Fountains or Jets in different parts of the said pipes, whereby many Citizens are conveniently supplied with water, and in case of Fire in that part of the City, great advantages may be experienced from the water supplied at the said Fountains or Pumps. In order therefore that the same may be kept in good order,

1. *BE it Ordained by the President und Common Council of the City of Richmond, in Common Hall assembled, and it is hereby Ordained by the authority of the same, That if any person shall break down or otherwise destroy any of the said Fountains, Jets or Pumps, he, she or they so offending, shall be liable to pay a fine not exceeding six dollars and sixty-six cents, for each Fountain, Jet or Pump so destroyed. And any person who shall wilfully place any obstruction, in any part of the said Pipes, Fountains or Pumps, or otherwise injure the same, shall be liable to a fine not exceeding six hundred and sixty-six cents, at the discretion of a Magistrate. And where the offender in any case shall be a Slave, he or she shall receive on his or her bare back, such number of stripes as a Magistrate shall direct, not exceeding twenty: Provided, That nothing herein contained, shall be construed to prevent the proprietors of the said Pipes and Fountains, from repairing or altering the same, at any time or in any*

manner they shall think best, so long as they shall be deemed by the Common Hall, an advantage to the said City.

2. This Ordinance to commence and be in force from and after the first day of January, in the year one thousand eight hundred and twenty-eight.

CHAP. VIII.

An Ordinance, for the Appointment of an Inspector and Guager of Spirits and other Liquids, and for defining his duties.

[Passed November 21, 1827.]

1. *BE it Ordained by the President and Common Council of the City of Richmond, in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That annually on the second Tuesday in February, or so soon thereafter as may be convenient, there shall be appointed by ballot by the Common Hall, one discreet and proper person to be known by the name of Guager and Inspector of Spiritous Liquors, whose duty it shall be, to guage and inspect in the manner hereinafter mentioned, all Spiritous Liquors, Wine and Oil, Molasses, Vinegar and Spirits of Turpentine in Casks, which may be brought to this City, after this Ordinance shall commence in operation, for the purpose of being vended therein.

2. *And be it further Ordained,* That when any Spiritous Liquors, Wine, Oil or Molasses, or other Liquids of the above description, shall be brought to this City after the period aforesaid, for the purpose of being vended therein, either by wholesale or retail, it shall be the duty of the owner or consignees thereof, to submit the same to the inspection and examination of the said Guager and Inspector of Spiritous Liquors, before a sale of the same or any part thereof, who shall thereupon guage and inspect each cask thereof, to ascertain the proof of the said Spirit and the quantity in each cask, and when ascertained, shall with branding irons to be procured by him for the purpose, mark on each cask the contents thereof in gallons, and the proof of the Spirits.

3. *And be it further Ordained,* That for the purpose of accurately guaging the said casks, and thereby ascertaining the quantity of Liquor or other Liquids of the above description in each, the Guager and Inspector of such Spirits or Liquids, to be appointed by virtue of this Ordinance, shall instead of the straight rod, which has been heretofore used in guaging in this City, make use of the scale commonly known by the name of the 'Gunter' or 'Gunter's Scale.'

4. *And be it further Ordained,* That if any owner or consignee of any of the said Liquids, or agent of either, intrusted with the said Liquids, which may be brought to this City after the period aforesaid, shall make sale of the same or any part of them within this City, without first submitting the same to the inspection and examination of the said Guager and Inspector, and having the same inspected, guaged and branded in the manner above prescribed, every such person so offending, shall forfeit and pay six dollars for every such offence.

5. *And be it further Ordained,* That if any person shall alter the mark stamped on any cask by the Guager and Inspector, or shall mark or brand any cask which has not been guaged and inspected, with any mark or brand similar to, or in imitation of, the mark or brand of the said Guager and Inspector, such person shall forfeit and pay the sum of six dollars and sixty-six cents, for each offence: *Provided,* That nothing in this Ordinance contained, shall be construed to prevent the Grocers and dealers in Liquids aforesaid, within this City, from vending any of the said Liquids as heretofore, after the same shall have been once guaged and inspected when bought therein.

6. *And be it further Ordained,* That no retailer of Spirits, Wines or other Liquids aforesaid within the Jurisdiction of this City, shall sell or refill any empty cask so branded, until all the brands denoting the quality shall be completely obliterated; and any person so offending, shall forfeit and pay the sum of six dollars for every offence.

7. *And be it further Ordained,* That the said Guager and Inspector of Spiritous Liquors, shall for the services by this Ordinance directed to be performed, be entitled to demand and receive of the owner or owners of any Liquids as aforesaid, so guaged and subjected to proof by him, if he or she shall reside within the City, and if not, then from the consignees thereof, compensation after the following rates: For guaging every cask where the whole number of casks shall

be five or under that number, fifteen cents each; and where the number shall exceed five, ten cents for each cask; and for branding the contents and proof of each cask thereon as above directed, five cents for every cask.

8. *And be it further Ordained*, That the Guager or his Deputy may whenever he shall deem it necessary, stop up the bung of any cask and make a new one, in such part as shall appear to him most likely to obviate the malconstruction of the cask.

9 *And be it further Ordained*, That the Guager and his Deputy, if he shall appoint one, shall each respectively take an oath before the Mayor of the City, 'faithfully and impartially to perform the duties of his Office;' a certificate of which oath shall be filed with the Clerk of the Common Hall, previous to such Guager or his Deputy proceeding to act under this Ordinance.

10. *And be it further Ordained*, That no person appointed a Guager and Inspector of Spiritous Liquors, shall be permitted to vend any of the articles required by this Ordinance to be guaged, during the time of his continuance in his Office.

11. *And be it further Ordained*, That the said Guager and Inspector, shall once in three months, return to the Common Hall of this City, an account of the number and description of casks guaged by him.

12. *And be it further Ordained*, That all the penalties imposed by this Ordinance, shall be recoverable by Warrant, before any Magistrate of this City.

13. All Ordinances and parts of Ordinances coming within the purview of this Ordinance, shall be and the same are hereby repealed.

14. This Ordinance shall commence and be in force, from and after the first day of January, one thousand eight hundred and twenty-eight.

CHAP. IX.

An Ordinance. fixing the Salary of the Commonwealth's Attorney, for the City of Richmond.

[Passed February 5, 1828.]

1. *BE it Ordained by the President and Common Council of the City of Richmond, in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That the Commonwealth's Attorney for this City, shall be allowed an Annual Salary of six hundred dollars, payable quarter yearly; which said Salary shall be in lieu of all fees for services rendered by him as Commonwealth's Attorney for the said City; and that the Chamberlain be, and he is hereby authorised and required, to pay the same out of the Funds of the said City: any former usage or custom to the contrary, notwithstanding.

2. This Ordinance shall commence and be in force, from and after the passage thereof.

CHAP. X.*An Ordinance, for the Government of the Powder Magazine of this City, and for other purposes.*

[Passed February 12, 1828.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That the Common Hall aforesaid shall annually, at the February monthly Meeting of the Hall, or so soon thereafter as may be convenient, elect by ballot a Keeper of the Powder Magazine of this City, who shall continue in Office for one year and until a new election shall have been made, but may be removed at pleasure by a vote of two-thirds of the Members of the Hall present; and in case of such removal, or in case of the death or resignation of the Keeper, the Hall may proceed forthwith to the election of a successor.

2. *And be it further Ordained,* That the Keeper of the Magazine aforesaid, shall before he enters on his duties as Keeper, give

bond and security to be approved by the Hall, in the penalty of four thousand dollars payable to the Mayor, Aldermen and Commonalty of the City of Richmond for the time being, and their successors in Office, conditioned that he will well and truly, do and perform each and every duty required by this Ordinance; and make good any losses which may arise upon any Powder committed to his charge, accidents by fire, water, or house-breaking, and injuries by long keeping, only excepted. The said bond may be put in suit for the benefit and at the costs of the Corporation, or of any person injured by any breach of the condition thereof, and shall not be void upon the first recovery, but farther damages may be recovered thereon in like manner, for any other breach or breaches of the said condition, until the whole penalty shall have been recovered.

3. *And be it further Ordained*, That it shall be the duty of the said Keeper, to take care of and keep in a proper state and condition, the Magazine aforesaid. He shall keep a book, in which shall be carefully entered, all Powder by him received and delivered; by which book, the quantity and quality of the Powder which may at any time be stored in the said Magazine, and the persons to whom the same may belong, will fully and plainly appear. He, at all times, shall, between the rising and setting of the sun, every day (Sundays excepted,) be ready for the reception or delivery of all Powder which may be offered to him, for safe keeping in the Magazine, or called for therefrom. When required, he shall grant receipts for all Powder by him received. He shall turn every keg of Powder which may be in the Magazine, at least once in every three months. And he shall deliver on application, within the hours aforesaid, all Powder committed to his charge; accidents by fire, water, or house-breaking, or injuries by long keeping only excepted: *Provided*, That he shall not at any time, deliver Powder to a Slave, or Free Negro, or Mulatto, but in the presence of the owner of the Powder, or some white person, representing him; except upon the written order of the owner of the Powder.

4. *And be it further Ordained*, That the person or persons receiving Powder from the Magazine, shall be bound to pay twenty-five cents for every twenty-five pounds of Powder received, and which shall remain twelve months or less; and one cent per month, for every month, for every twenty-five pounds, which shall remain after the expiration of twelve months: and that the Keeper shall not deliver any Powder without the payment thereof, or satisfactory security for the same.

5. *And be it further Ordained*, That the said Keeper shall retain out of the monies received by him for the Storage of Powder, twenty cents per keg as compensation for his duties, attending the same: And that it shall be his duty to account, under oath, with, and pay over quarterly to the Chamberlain, the balance thereof as a part of the funds belonging to this City.

6. *Be it further Ordained*, That the Keeper, on receiving Powder if he suspects it to be damaged; or the proprietor on taking Powder out of the Magazine, if he suspects it to have sustained damage in the Magazine, may, on application to any Magistrate of this City, obtain his Warrant directed to any three respectable persons residing within this City, who shall on oath grant a certificate to the party praying the same, stating the condition of the Powder so received or taken out: *Provided*, That the adverse party, or his representative, shall receive notice in writing of such intended review; which notice shall be given at the time of receiving or of taking away such Powder, supposed to be damaged as aforesaid.

7. *And be it further Ordained*, That no person or persons within the City of Richmond, shall retain in his, her or their possession at any time, more than twenty-five pounds of Powder. And every person who shall retain more than the said quantity in his, her or their possession for the space of twelve hours, shall forfeit and pay for every twelve hours, the sum of twenty-four shillings, to be recovered and appropriated as other fines and penalties are. The Powder so retained, shall be kept in Tin Canisters and not otherwise. And every person who shall keep in his, her or their possession for the space of twelve hours, two pounds of powder or more, in any other manner than herein before directed, shall forfeit and pay for every such offence, the sum of ten shillings: and for every twenty-four hours that the said Powder shall remain after the expiration of the said twelve hours, the farther sum of ten shillings, to be recovered and appropriated as herein before directed.

8. *And be it further Ordained*, That it shall be the duty of the Keeper, to see that the Magazine and its enclosure are in a good state of repair at all times: and to that end, it is hereby declared to be his duty, to report to the President of the Common Hall in writing, any injury which may have occurred, and any repairs which may be necessary. And for any failure to do so, for one week after such in-

jury may have occurred, or repairs become necessary, he shall be responsible for any loss by robbery, or water, sustained by the want of such repairs. And the person or persons so injured, or the Corporation, shall have their remedy against him, by suit upon his official bond in like manner as other persons may, for any breach of the condition of said bond.

9. *And be it further Ordained*, That it shall be the duty of the said Keeper, and he is hereby required, to report once a year to the Chamberlain, the quantity of Powder remaining in the Magazine, with the names of the persons by whom it was deposited.

10. This Ordinance shall commence and be in force, from and after the passing thereof.

CHAP. XI.

An Ordinance, prescribing the Duties, and Regulating the Appointment of an Assessor and of a Collector for the City of Richmond.

[Passed February 16, 1828.]

1. *BE it Ordained, by the President and Members of the Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same*, That the Hall shall annually at the stated meeting in the month of January, or as soon thereafter as practicable, appoint a discreet and reputable person to be Assessor, for the purposes herein after mentioned, for the City of Richmond. The person so appointed shall, before entering on the duties of his office, take the following oath, before the Hustings Court for the City of Richmond: "I, A. B. do swear (or affirm) that as Assessor for the City of Richmond, I will, to the best of my skill and judgment, diligently and faithfully execute the duties of my said office, without favour, affection or partiality; and that I will do equal right and justice, according to the best of my knowledge, in every case in which I shall act as Assessor. So help me God." And shall moreover execute his Bond in the penalty of two thousand dollars, payable to the Mayor, Aldermen, and Commonalty of the City of Richmond, for the time being and their successors in office, with such security as shall be

approved by the Hustings Court of the City, conditioned for the faithful performance of the duties of his office, which shall be entered of Record in the said Court. And the Corporation of the said City, at the costs and charges of the said City, when the City is injured; and any person or persons injured, at his or her proper costs and charges, may and shall in the name of the Mayor, Aldermen, and Commonalty aforesaid, or of their successors in office, commence and prosecute suits on the said Bond, against the parties therein bound, their heirs, executors or administrators, and shall and may recover all damages which the City or any person or persons may have sustained by reason of the breach of the condition of the said Bond; and such Bond shall not become void upon the first recovery, or if Judgment shall be given against any Plaintiff or Plaintiffs who shall sue upon such Bond, but may be put in suit and prosecuted, from time to time, for the benefit and at the proper costs and charges of the City or any person injured, until the penalty expressed in such Bond shall be recovered. The said Assessor shall annually make out a book containing a list of the Tax on Houses and Lots, whether improved or not, in the City; and shall enter in such book, separately, each Lot or part of a Lot held and owned, within the City, by any individual; giving in separate columns the number of such Lot or part of a Lot, and the number of running feet it may front on any Street, the value of the ground and of the improvements, the name of the owner, his residence, and the amount of taxes on the same; and shall note any alterations, as to ownership, value, improvements or title, which may have been made in the preceding or any other year, and which may not have been entered on the books of the Assessor. The said Assessor shall also, annually take a list of the Taxable Personal Property of each person resident within the City, keeping a list of each species of such Property in separate columns in a book by him to be prepared for that purpose, and in each case stating the amount of Tax separately and in the aggregate.

2. *And be it further Ordained, by the authority aforesaid, That in taking a list of the Real and Personal Property liable and subject to Taxation by any Ordinance of the City, the Assessor shall have reference to what was actually held or owned by the person or persons, to whom the same is charged, on the first day of March in each year; and when taking such lists, he shall carry with him his Tax Books of the preceding year, and shall show to each person resident within the City, and to the agent if any, of each non-resident, the quantity and description of the Lots charged to them, and shall require of such re-*

sident person, and such agent of each non-resident person, to state upon oath or affirmation, whether the Lots so charged be correctly described; whether any part thereof ought to be transferred to any other person; and if so, to whom, and for what cause; and whether any other Lot, or part of a Lot, ought to be charged to such resident or non-resident; and he shall further require of such resident or such agent, on oath or affirmation, such description of the Lots or parts of Lots so charged, and of such other Lots or parts of Lots, which ought to be charged; as will enable the said Assessor to comply with the requisitions of this Ordinance. And any person, being so called on by the Assessor, who shall fail or refuse without sufficient cause therefor, to give such statement or description on oath or affirmation, such person shall forfeit and pay to the use of the City, for each failure or refusal, six dollars and sixty-six cents, to be recovered and appropriated as other fines now are. And it shall be the duty of the Assessor to give immediate notice to some Justice of the Peace for the City, of each failure or refusal, and to prosecute such offender for the fine aforesaid, from time to time as often as such failure or refusal shall take place. The Assessor shall annually in making out his book, containing the list of Lots and Improvements thereon, correct any errors of entries or descriptions of the preceding year, as may appear to exist by satisfactory evidence. But no transfer of any Lot, which had been previously correctly charged, shall be made from one person to another, and no new entry of any Lot or part of a Lot, shall hereafter be made, but upon Record evidence, that such transfer or new entry is correct. The Lots or parts of Lots of deceased persons, shall be charged to his or her estate, until by proof, it shall be made to appear to whom the same ought to be transferred. And the Personal Estate of such deceased person, shall be liable to distress for the payment of the Taxes due thereon. But so soon as the Assessor shall have ascertained by any satisfactory evidence, the name or names of the heir or heirs of such deceased person, he shall transfer on his books, such Lot or Lots to the said heir or heirs; and from thenceforth the Personal Property of such heir or heirs shall be liable for the Tax on such Lot or Lots. The said Assessor shall, as soon after the first day of March in each year as practicable, proceed without delay, and call upon every person liable to pay any Tax, or having the care of any Property on which a Tax is imposed, for a written list thereof, to which such person shall make oath or affirmation, that it contains a just and true account of all persons, and of every species of property

in his or her possession or care, within the City of Richmond (Lots only excepted) subject to taxation on the first day of March then next preceding, and that no method hath been devised, practised or used in order to evade the payment of Taxes; and which oath the said Assessor is hereby authorised to administer.

3. *And be it further Ordained, by the authority aforesaid,* That any person failing or refusing to furnish such list or to make such oath or affirmation, when called on by the Assessor, shall for each failure or refusal, as often as the same occurs, be fined six dollars and sixty-six cents, to be recovered and appropriated as other fines by the existing Ordinances of the City are now directed to be recovered and appropriated. And the Assessor may in such case proceed to take the list of the taxable property of such person, upon the evidence of other persons, or upon any proof satisfactory to the Assessor, or upon his own knowledge.

4. *And be it further Ordained, by the authority aforesaid,* That the Assessor shall complete and return, and deliver to the Chamberlain, two fair copies of his list of Lots taxed by the City, and of his list of other taxable Persons and Property, on or before the first day of July in each year, one for the use of the Hall, and one for the use of the Collector.

5. *And be it further Ordained,* That in all respects, the said Assessor shall, as nearly as he can, perform the duties of his Office in the manner required of the Commissioners of the Revenue, by the Act of the General Assembly, passed on the 6th day of March, 1819, entitled, "An Act, reducing into one the several Acts prescribing the mode of ascertaining the Taxable Property within this Commonwealth, and of collecting the Public Revenue." For the services rendered by the said Assessor, he shall receive, annually, the sum of five hundred dollars, to be paid him on the first day of January, in each year.

6. *And be it further Ordained,* That no error committed by the Assessor, in entering and charging any person or persons with a Tax where he, she or they ought not to be so charged, shall be corrected, after the payment of the said Tax, or after twelve months shall have expired from the day on which the Assessor's Books containing such erroneous charge shall have been returned certified by the Equalizers. The President of the Hall may, upon complaint to him made on

oath or affirmation, that any person is charged improperly with an Assessment, Levy or Tax, by his order in writing, suspend the collection thereof, until the person so complaining can have an opportunity of obtaining from the Common Hall, by its order, a correction of such alleged error.

7. *And be it further Ordained by the authority aforesaid, That* at the Stated Meeting of the Hall, held in the month of May in each year, or as soon thereafter as practicable, there shall be appointed from their own body, three persons as Equalizers of the land and other taxes of the City, whose duty it shall be, upon the return of the books required by this Ordinance to be made up and returned by the Assessor, to examine the same, to correct all errors apparent on the face thereof, to hear and decide on all complaints made against the Assessor for overcharges and correct the same; and where they shall be satisfied, too little has been charged to any person or persons, to correct such error. And the said Equalizers shall, after such examination, certify the fact that they have made the same, and find the said books accurate, except in such cases, if any, in which they may have corrected them; all which shall be done and by them certified to the Chamberlain on or before the first day of August in every year.

8. *And be it further Ordained by the authority aforesaid, That* the Assessor shall annually ascertain and return in his list of Taxable Lots, the yearly rent or value of all Ordinaries and Houses of Private Entertainment; which shall be ascertained by the rent paid by the tenant; and when such House of Private Entertainment or Ordinary is in the occupation of the proprietor, the yearly rent or value shall be ascertained by a comparison of its value, with other Houses actually rented, and to enable the Assessor to ascertain the rent paid for any such House of Private Entertainment or Ordinary, actually rented or leased, he may call on the tenant or proprietor to declare on oath or affirmation, what is the amount of rent paid for the same, and every person so called on, failing or refusing so to declare, shall for each and every failure or refusal forfeit and pay the sum of six dollars and sixty-six cents, to be recovered and appropriated as other fines are now authorised to be recovered and appropriated. The said Assessor shall make out and return with his said lists of Lots, and other Taxable Property, a list of all buildings erected within the City in the preceding year; stating of what materials the walls are built;

whether of brick or of wood; the height thereof, whether one or two or more stories, and for what uses and purposes the said buildings are intended; the said Assessor shall in his said list enter all Taxable Property by him owned, as well as all persons for whom he is liable to pay a tax. In preparing the said lists, he shall keep each Ward separate and arrange the persons in alphabetical order; opposite to which, he shall set down the total amount of tax with which each is chargeable; he shall add up the amount of each column on each page of his lists, so as to present at the bottom of each, the total number of persons and articles subject to taxation, with the sum total of the tax due on all the subjects contained in such page, and at the close of his lists shall show in one general view, the various species and total number of subjects of City Taxation; and the total amount of the Revenue arising therefrom. The Assessor shall receive no part of the compensation allowed him by this Ordinance, until the duties hereby required of him, shall have been fully and completely performed, and the same certified by the Chamberlain.

9. *And be it further Ordained,* That the said Assessor be required to make out a fair statement of the costs of pavements made opposite to the property of every person, on the Streets which have been paved, together with the amount of taxes which have been paid upon such property for pavement, so made before his or her property so improved, and make report thereof to the Committee of Equalizers; and the said Equalizers shall have power to settle all such accounts, give the necessary credits, and direct when the special tax laid for pavement shall cease to be collected from each individual.

10. *And be it further Ordained by the authority aforesaid,* That the said Assessor be, and he is hereby authorised and required, to obtain from the Clerk of the Hustings Court of the City of Richmond, and of the Clerk of the Court for the County of Henrico, a list of all Wills and Conveyances executed and recorded in their respective Courts within the preceding year, for any real property lying and being in the City of Richmond, which lists shall contain as nearly as practicable, a description of the situation, extent and location of the property so conveyed; for furnishing which lists, the said Clerk's shall each receive annually the sum of fifteen dollars, to be paid them upon the certificate of the said Assessor, that such lists have been properly furnished him: *Provided however,* That whensoever the same person shall fill the Office of Commissioner of the Revenue for the Common-

wealth for the City of Richmond, and also of Assessor for the same; then no allowance shall be made to the said Clerk's for any list, or information imparted by them to the Assessor, in aid of the discharge of his duty.

11. *And be it further Ordained by the authority aforesaid,* That at the Stated Meeting of the Hall, held in the month of June, or as soon thereafter as practicable, there shall be appointed a Collector of the City taxes, who, before he enters on the discharge of the duties of his Office, shall execute his bond payable to the Mayor, Aldermen and Commonalty of the City of Richmond, for the time being, and their successors in Office, in the penalty of fifty thousand dollars, with such security thereto as may be approved by the Hall, conditioned that he will, well and truly account for and pay over to the Chamberlain, on or before the first day of January in each year, for the use of the City of Richmond, all taxes, assessments and impositions in his hands placed for collection, after deducting therefrom a commission of four and a half per cent. on all sums paid in on, or before the first day of December in each year, and of three per cent. on all money he shall collect and pay in thereafter. The said Collector shall have authority to appoint a Deputy, who shall be approved by the Hall, and be paid for his services by the Principal; and the said Deputy shall have the same power and authority to collect and distrain for the City Taxes, Levies and Assessments, as his Principal has and possesses: *Provided however,* That nothing herein contained, shall be so construed, as to subject the City to any loss, liability or injury, arising from the malfeasance or nonfeasance in Office of the said Deputy Collector; but for all his official acts, omissions and defaults; his Principal shall be alone responsible.

12. *And be it further Ordained by the authority aforesaid,* That it shall be the duty of the said Collector, to proceed to collect all Taxes and Levies imposed by any Ordinance of the City of Richmond on Lots, Slaves, or other Property or Persons, agreeably to the lists taken and returned by the Assessor aforesaid; commencing on the first day of August in each year, and such taxes may be distrained for on and after the first day of September in each year.

13. *And be it further Ordained,* That if payment be not made, by any person, chargeable with any tax or levy on demand, the said Collector shall have power to distrain the personal property which

may be found of such delinquent, and the same to sell, at the City Hall, after giving ten days notice of the time of such sale, posted up at the front door of the said Hall, and from the proceeds of such sale, shall pay and satisfy the amount of the tax or levy due to the City, and the residue, if any, shall pay over to such delinquent, his executors or administrators; but the said Collector shall sell no other or greater interest in such property than the person charged with such tax hath therein. And in the collection of the taxes due upon Lots or parts of Lots, the property of the tenant on the same, shall be liable for the tax of the Lot on which the same may be found, in the same manner, and to the same extent, as if owned by the proprietor of such Lot or part of a Lot.

14. *And be it further Ordained*, That the Collector shall not be allowed to return any list of insolvents or absentees, or have any credit therefor, but upon oath, nor shall such return be admitted, unless certified by the Court of Hustings, within six months after the same is made payable by him to the Chamberlain, in the same manner as the lists of insolvents of Sheriffs are certified to the Auditor of Public Accounts; subject, however, to such corrections as the Hall may make in the same.

15. All Ordinances, and parts of Ordinances coming within the purview of this Ordinance, shall be; and the same are hereby repealed.

16. This Ordinance shall commence and be in force from and after the passing thereof.

CHAP. XII.

An Ordinance, for regulating the Appointment and Duties of the Surveyor of the City of Richmond.

[Passed February 20, 1828.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same*, That so soon as shall be practicable after every annual election of the Common Council of the said City, the Common Hall shall elect by ballot, a fit and

proper person to act as Mathematical Surveyor for said City, who shall continue to perform the duties thereof until a new election shall take place: and shall, before entering on the duties of his Office, take the following oath or affirmation before the Court of Hustings of this City. "I do solemnly swear, (or affirm as the case may be) that I will well, truly and impartially, to the best of my skill and judgment, execute the duties of Surveyor for the City of Richmond, so long as I continue in Office. So help me God." In case a vacancy in said Office shall occur, by death, resignation, or by removal from Office, which removal may be effected by a vote of two-thirds of the Members present, a successor shall be appointed by the Common Hall, to continue in Office until the next annual election.

2. It shall be the duty of the said Surveyor, under the direction of the Commissioners of Streets of said City, to make such Surveys from time to time, as the said Commissioners may require: for which services, he shall be entitled to receive compensation at the rate of two dollars per hour for the first two hours he shall be so engaged, and one dollar for each hour that he shall afterwards be employed on the same day; which sum shall include a compensation for the services of his Chain Carriers and their Assistants.

3. If at any time hereafter, any person shall encroach on any Street, Lane or Alley, by building on, or inclosing any part of the same, and a Survey shall be required by the Commissioners of Streets to determine such matter in controversy, and it shall be found by Survey made, that an encroachment has been committed, the person so encroaching shall be liable to the Surveyor for his fees, as in the second section prescribed. And the said Surveyor shall, for all services rendered at the request of the owners of property, be authorised to charge the before mentioned fees and no more.

4. It shall not be lawful for any other Surveyor to make Surveys for compensation, within the limits of said City, without the consent of the Common Hall, or of a majority of the Commissioners of Streets of said City, previously obtained in writing. And any person so offending, shall for each and every such offence, forfeit and pay the sum of five dollars to be recovered by the City Surveyor to his own use, by Warrant before the Mayor, Recorder, or any Alderman of said City.

5. All Ordinances, or parts of Ordinances, coming within the purview of this Ordinance shall be, and the same are hereby repealed.

6. This Ordinance shall commence and be in force, from and after the passing thereof.

CHAP. XIII.

An Ordinance, concerning Theatres, and Public Shows and Exhibitions within the City of Richmond.

[Passed February 26, 1828.]

WHEREAS experience has evinced the great danger, which results from the insecurity of buildings in which Theatrical and other Exhibitions are made in populous Cities; and it is the duty of a good Police, to guard as far as practicable against disasters arising from such a cause;

1. *Be it therefore Ordained by the President and Common Council of the City of Richmond, in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That from and after the passage of this Ordinance, no person or persons shall within the limits of the City of Richmond, for his or her gain, act, exhibit, or perform any Play, Farce, Interlude, Show, Opera, or other Theatrical or Dramatical Performance or Entertainment, or shall make any other Public Exhibition, without a license for that purpose first obtained in writing, in the manner hereinafter provided.

2. *And be it further Ordained,* That any person or persons, wishing to obtain a license for any Exhibition provided for in the first section of this Ordinance, shall apply to the Mayor of the City, and shall inform him of the kind of Exhibition for which a license is wished, and shall designate the house or room in which it is intended such Exhibition shall be made. Whereupon, it shall be the duty of the Mayor, to issue a Warrant under his hand and seal, directed to three respectable and discreet freeholders of said City, authorising and requiring them, attended by any Officer of Police, whose duty it shall be to accompany them, to proceed to examine the room or house in which it is intended to make such Exhibition: And

the said freeholders or a majority of them, shall state and report to the said Mayor in writing under their hands and seals, a description of said room or house in which it is intended to Exhibit as aforesaid, particularly stating whether it be of sufficient strength and stability for safety, and also whether it be of such materials and have such a number of doors and other openings, properly arranged and constructed, as in case of fire to afford facilities for escape. If upon the said report the Mayor shall think it safe and proper, that a license should be granted, he shall grant the same to the person or persons so applying, upon his or their paying to the Chamberlain the following rates, viz: for Theatrical Exhibitions by any Company of Comedians or Tragedians, ten dollars per week, or one hundred and fifty dollars for twelve months. For a Circus and Feats of Horsemanship, combined with Theatrical Exhibitions, ten dollars for each day's or night's performance. For a Circus or Feats of Horsemanship without Theatrical Exhibitions, ten dollars for each day's or night's performance. For Rope or Wire dancing, or Puppet Shows, thirty dollars for each week. For Musical parties for gain, five dollars for each day's or night's performance. For all other Public Exhibitions for gain, five dollars per week. Each and every person or persons intending to make such Exhibitions as aforesaid, shall first pay into the hands of the Chamberlain for the use of the City, the amount of the license tax as aforesaid: *Provided however*, That the Mayor may in his discretion, grant any such license or permission free of tax, for any religious or charitable purpose.

3. *And be it further Ordained*, That upon the Mayor's being satisfied of the strength and security of the said house or room as aforesaid, he shall transmit the report of the said freeholders to the said Chamberlain, to be by him carefully filed away and preserved, and shall direct the said Chamberlain to issue a license to the person or persons applying as aforesaid, specifying the kind of Exhibitions to which said license shall extend, and the time for which it shall continue, which shall not, except in the case of Comedians and Tragedians as aforesaid, exceed three months; and in relation to them, shall not exceed one year, nor be less than one week. And upon the production of the said report of the freeholders and order from the Mayor, and upon the amount of the license tax being paid into the hands of the Chamberlain for the use of the City as aforesaid, it shall be the duty of the said Chamberlain, to issue a license to said applicant or applicants under his hand, permitting him, her, or them, to make the Ex-

hibitions stated in the said order of the Mayor, describing the kind of Exhibitions in the said license, and specifying in the said license the particular room or house in which the said Exhibitions are to be made; for which license it shall be lawful for the said Chamberlain, to demand and receive of the applicant or applicants, one dollar for his trouble; and it shall be his duty to retain a copy of the said license so granted, to be filed away with the report of the freeholders and the order of the Mayor aforesaid.

4. *And be it further Ordained*, That it shall not be allowed to any person or persons licensed to make any Theatrical or other Public Exhibition as aforesaid, to cause or permit any alteration to be made in the room or house in which the said Exhibitions are licensed, after the date of such license, or after the view and report of the said freeholders on which the license is founded; or to exhibit in any such room or house after any such alteration is made, unless the same be sanctioned by a written permission of the Mayor, founded on a report of freeholders made as aforesaid: but that any person or persons so exhibiting after such alteration, without permission as aforesaid, shall be deemed, and taken to be an exhibitor or exhibitors without a license.

5. *And be it further Ordained*, That no person or persons obtaining a license to make Theatrical or other Public Exhibitions as aforesaid, shall permit any other or distinct persons, to make any Theatrical or other Public Exhibitions, in the room or house in which he or they are licensed to make Exhibitions: but that such other or distinct person or persons shall, if exhibiting in such room or house without a license to him or them granted, be considered as an exhibitor or exhibitors without license, and shall come within the penalties of this Ordinance.

6. *And be it further Ordained*, That if any person or persons shall, within the limits of the said City for his or her gain, act, exhibit, or perform, or aid or assist in acting, exhibiting or performing, either as actor, player, musician, door-keeper, or other assistant, or in any other character, any Play, Farce, Interlude, Show, Opera, or other Theatrical or Dramatical performance or entertainment, or shall make, or aid, or in any manner assist in making any other Public Exhibition, without a license for that purpose first had and obtained, in the manner herein before provided for; each and every person so offend-

ing shall forfeit and pay six dollars and sixty-six cents for each half-hour that any performance or exhibition shall actually continue, to be recovered with costs for the benefit of the Corporation.

7. *And be it further Ordained*, That in case of a vacancy in the Office of Mayor, or of his absence from the City, or inability to act; the Recorder, and in case of a vacancy in the Office of Recorder, or of his absence from the City, or inability to act; the Senior Alderman, shall be and he is hereby authorised, to execute and perform the duties devolved on the Mayor by this Ordinance: *Provided nevertheless*, That nothing in this Ordinance contained, shall be construed so as to render it necessary for Messrs. Warrel and Lorton to procure a license for their Museum.

8. All Ordinances and parts of Ordinances coming within the purview of this Ordinance, shall be and the same are hereby repealed.

9. This Ordinance shall commence and be in force, from and after the passing thereof.

CHAP. XIV.

An Ordinance, reducing into one the several Ordinances, regulating the Appointment, Duties and Salary of the Chamberlain for the City of Richmond. Treasurer and Secretary of the Sinking Fund, and Clerk of the Common Hall.

[Passed May 16, 1828.]

1. *BE it Ordained by the President and Common Council of the City of Richmond, in Common Hall assembled, and it is hereby Ordained by the authority of the same*, That so soon as shall be practicable after every annual election of the Common Council of the said City, the Common Hall shall elect by ballot a fit and proper person, to act as Chamberlain of this City, Treasurer and Secretary of the Sinking Fund and Clerk of the Common Hall; who shall continue to perform the duties thereof, until a new election shall take place. In case a vacancy in said office shall occur, by death, resignation or by removal from office, which removal may be effected by a vote of two thirds of the members present, a successor shall be appointed by the Common Hall to continue in office until the next annual election.

2. *And be it further Ordained*, That it shall be the duty of said officer, as the *Chamberlain of the City*, to receive all monies which may at the time of his appointment be due from any accountable officers, and which may at any time thereafter become due to the Corporation, from taxes, fines, forfeitures or otherwise; to call all debtors to account agreeable to law, or as the exigency or propriety of the case may require; to examine all accounts against the Corporation, and report to the Common Hall all balances due to or from the Corporation; to disburse such sums as may be authorised by the Common Hall under the signature of their President; to open the necessary books for the regulation and proper entry of all accounts of the Corporation; to keep a Register or account of all the property of the Corporation, and have his books at all times ready for the inspection or examination of a Committee, or any member of the Common Hall; furnish half yearly (the first of March and first of September,) an abstract of the state of said books; and to account for and pay over all money which may come to or remain in his hands, to such person or persons as the Hall may at any time require.

3. *And be it further Ordained*, That it shall be the duty of said officer, as *Treasurer and Secretary of the Sinking Fund*, to keep such accounts respecting the Sinking Fund as the Commissioners thereof may direct, and to have the same at all times ready, for the inspection or examination of a Committee or any member of the Common Hall.

4. *And be it further Ordained*, That it shall be the duty of said officer, as *Clerk of the Common Hall*, to make true and correct entries of the Proceedings of the Hall; to file and preserve all books and papers, which shall be delivered to him in charge, or come to his hands by virtue of his office; to account for all monies which shall be received by him as Clerk of the Common Hall, for the use and benefit of the Corporation of the City of Richmond; to attend in person, or by a Deputy to be approved by the Common Hall, at every monthly or called meeting thereof; to record in a fair hand in a book to be kept for that purpose, all the Bye-laws and Ordinances of the Common Hall, and to keep the same and all other proceedings of the Common Hall, at all times open to the inspection of any Member of the Hall; to make copies of, or extracts from, all or any of the Ordinances or other proceedings of the Common Hall, when and as often as he may be required so to do, by the Hall, the President, or any

Chairman of a Committee thereof; to furnish the Chairman of each Committee regularly, with a copy of the resolution and order constituting such Committee, and specifying therein its powers and duties; and finally, to annex to the Ordinances and other proceedings of the Hall, an Index referring to the different matters contained therein.

5. *And be it further Ordained*, That the Officer who may be appointed to perform the duties herein before specified, shall in the presence of the Hall, take the oath of fidelity to the Commonwealth, and an oath that he will execute diligently and faithfully, without favor or affection, the duties of his Office as Chamberlain of the City of Richmond, as Treasurer and Secretary of the Sinking Fund thereof, and as Clerk of the Common Hall of said City; which oaths shall be administered by the Presiding Member of the Hall: *Provided always*, That (unless time be allowed by the Hall for that purpose) no person shall act under this Ordinance, until he shall have given bond with at least two securities, in the penalty of sixteen thousand dollars, to be approved by the Hall, and to which there shall be annexed the following condition: "The Condition of the above Obligation is such, That whereas, the above bound _____ hath been by the Common Hall of the City of Richmond elected on the _____ day of _____ one thousand eight hundred and _____, Chamberlain of the said City, Treasurer and Secretary of the Sinking Fund, and Clerk of the Common Hall, in pursuance of the provisions of the Ordinance passed on the _____ day of _____, one thousand eight hundred and twenty-_____, entitled 'An Ordinance, reducing into one the several Ordinances, regulating the Appointment, Duties and Salary, of the Chamberlain for the City of Richmond, Treasurer and Secretary of the Sinking Fund, and Clerk of the Common Hall.' *Now therefore*, if the above bound _____, shall duly and faithfully perform all the duties prescribed by the said Ordinance, and shall well and truly account for and pay over all money which may come to, or remain in his hands, to such person or persons as the Hall may at any time require, then the above Obligation to be void; otherwise, to remain in full force and virtue."

6. *And be it further Ordained*, That the said Officer shall be allowed for performing all his duties, as the Chamberlain of the City of Richmond, Treasurer and Secretary of the Sinking Fund thereof, and Clerk of the Common Hall, the sum of eighteen hundred dollars payable quarter yearly.

7. All Ordinances or parts of Ordinances coming within the purview of this Ordinance, shall be and the same are hereby repealed.

8. This Ordinance shall commence and be in force from and after the passing thereof.

CHAP. XV.

An Ordinance, to Regulate the Appointment and Duties of Auctioneers within the City of Richmond.

[Passed June 27, 1828.]

1. *BE it Ordained by the President and Common Council of the City of Richmond, in Common Hall assembled, and it is hereby Ordained by the authority of the same, That any person or persons, wishing to pursue the business of an Auctioneer within this City, under a general License, for the sale of all and every article of Merchandize, or any other Property Real or Personal, whether the said Merchandize or other Property Real or Personal be of his or their own Property, or whether said Merchandize, or other Property Real or Personal be confided to his or their care: or under a Special License, merely for the sale of Real Estate and Slaves, whether said Real Estate or Slaves be of his or their own Property, or whether said Real Estate or Slaves be confided to his or their care: or under a Special License, only for the sale of Bank Stock, City Stock, or any other Public Stock duly created under a Law of the United States, or of any individual State thereof, whether said Stock be of his or their own Property, or whether said Stock be confided to his or their care; shall, before commencing the same, make known his or their wish to the Common Hall, who, if they shall be satisfied with his or their character, shall direct their Clerk to grant him or them a License, agreeably to the extent of his or their wish, designated in his or their application to the Common Hall aforesaid, which License shall be granted under the terms and conditions, hereinafter contained, and shall continue in force for and during the time of one year from the date thereof, and until the next Regular Session of the Common Council in Common Hall assembled, unless sooner revoked for good cause shown.*

2. *And be it further Ordained,* That all and every person or persons applying for a General License, to sell at Public Auction, articles of Merchandize or any other Property, Real or Personal, whether said Merchandize or other Property, Real or Personal, be of his or their own Property, or whether said Merchandize or other Property, Real or Personal, be confided to his or their care, shall, before receiving such License, pay unto the Chamberlain of the City of Richmond, two hundred dollars for the use of the Corporation of said City, and shall also enter into bond with not less than two sureties, to be approved by the Common Hall, in the sum of five thousand dollars, conditioned well and truly to pay to the said Chamberlain for the use of the Corporation of said City, fifty cents in the one hundred dollars on all sales of Real Estate; and one dollar in the one hundred dollars of the amount of all other sales to be by him or them made at Public Auction, to be accounted for in every half year in the manner following, that is to say: that each and every of the said Auctioneers, shall once in every half year, render an account on oath or affirmation (which may be administered by the Mayor or Recorder or any of the Aldermen of said City) to said Chamberlain, of all the property or effects by him or them sold at Public Auction at any time before the said time of rendering the same account, and since his or their last settlement, and shall then, immediately pay to the said Chamberlain the full amount of fifty cents in the one hundred dollars on all sales of Real Estate, and one dollar in the one hundred dollars, of the amount of the account of all other sales so rendered. For the services herein to be performed by the Clerk, he may demand and receive one dollar from such person or persons as may obtain such License.

3. *And be it further Ordained,* That all and every person or persons applying for a Special License to sell at Public Auction Real Estate and Slaves only, whether said Real Estate or Slaves be of his or their property, or whether said Real Estate or Slaves be confided to his or their care, shall, before receiving the same, pay to the said Chamberlain one hundred dollars for the use of the said Corporation, and shall, also, enter into bond with not less than two sureties, to be approved by the Common Hall, in the sum of three thousand dollars, conditioned well and truly to pay to the said Chamberlain, for the use of said Corporation, one dollar in the one hundred dollars of the amount of all sales of Slaves to be by him or them made at Public Auction, and fifty cents in the one hundred dollars of the amount of all Real Estate, to be accounted for and paid in every half year, in the

manner and under the sanction aforesaid. For which services, the said Clerk may demand and receive one dollar from each and every person, or persons obtaining such License.

4. *And be it further Ordained,* That all and every person or persons applying for a Special License to sell at Public Auction, Bank Stock, City Stock, or any other Public Stock, duly created under the Laws of the United States or any individual State thereof, whether said Stock be of his or their own property, or be confided to his or their care, shall, before receiving such License, pay to the said Chamberlain fifty dollars, for the use of said Corporation, and also, shall enter into bond with not less than two sureties to be approved by the Common Hall, in the sum of five hundred dollars, conditioned well and truly to pay to the said Chamberlain for the use of said Corporation twenty-five cents in the one hundred dollars of the amount of all sales of Stock aforesaid, to be by him or them made at Public Auction, to be accounted for and paid semi-annually, in the manner and under the sanction aforesaid. For which service the said Clerk may demand, and receive one dollar from each and every person or persons obtaining such License.

5. *And be it further Ordained,* That if any person or persons shall sell or attempt to sell any Property, Real or Personal, within said City, by Public Auction, whether said Property belong to said person or persons, or to others, without having obtained a License as herein before is directed, every person or persons so offending shall forfeit and pay as a penalty therefor to the use of the said Corporation six dollars and sixty-six cents for every article so by him or them sold, to be recovered in the same manner as other debts under twenty dollars are by law authorised to be recovered.

5. *And be it further Ordained,* That no Auctioneer shall be permitted to use any bell or herald to notify to the public the time or place of any sale, except when Real Property shall be the subject of sale. Any person or persons herein offending, shall forfeit and pay for the use of said Corporation the sum of six dollars and sixty-six cents to be recovered in the same manner, as other debts under twenty dollars are by law authorised to be recovered.

7. *Provided always, and it is hereby further Ordained,* That nothing in this Ordinance contained shall extend, or be construed to extend, to subject any Auctioneer to pay any Tax or Imposition for

any private sale made by him, nor to the Merchant Tax which may be levied in said City; nor to hinder any Sheriff, Sergeant, Marshal, Commissioner of any Court, Constable or other Officer, to sell and dispose of by way of Public Auction any Lands, Goods, Chattels or effects, taken in execution, attached, or decreed to be sold by any Court within this Commonwealth, or by virtue of a Distress Warrant for Rent in arrear, and liable to be sold by Order of Law; or to prohibit any lawful Executor or Executors, Administrator or Administrators, or Curator or Curators from exposing to sale by way of Public Auction any Lands, Goods, Chattels or effects, which were of their respective Testator or Intestate; or to prohibit any Trustee or Trustees from exposing to sale by way of Public Auction any property conveyed to him or them, to secure the Creditor or Creditors of the Conveyor or Conveyors, but that all and every such person or persons may do therein as they might have done before the operation of this Ordinance.

8. All and every Ordinance and Ordinances, part and parts of Ordinances coming within the purview of this Ordinance, shall be and the same are hereby repealed: *Provided*, That nothing herein contained, shall extend, or be construed to extend to, or abridge any right, or remedy, which has or may have accrued before the commencement of this Ordinance.

CHAP. XVI.

An Ordinance, concerning the City Hall of the City of Richmond. and providing for the improvement, repair and preservation thereof.

[Passed December 8, 1828.]

1. *BE it Ordained, by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same, That the New Building near the Capitol Square used as the City Court-House, shall hereafter be called and known by the name of the City Hall. And any free*

person who shall wilfully deface, or cause any defacement of the same, either by cutting any part of the timber thereof with knives or other edged tools, or by writing upon the walls, or by breaking the glass of the windows, or shall in like manner defile, deface or injure any part of said building, or any of the furniture, or any inclosures thereof, shall for each and every such offence be liable to a penalty not exceeding six dollars, at the discretion of the Magistrate who shall try the offence, to be recovered by Warrant before any Justice of the Peace for this City, for the use of the Corporation. And if such offender be a Slave he or she shall receive any number of lashes not exceeding thirty, at the discretion of the Magistrate.

2. *And be it further Ordained*, That annually, at the stated meeting of the Hall in the month of April, or as soon thereafter as practicable, there shall be appointed by the President of the Hall a Committee of three, to be called the Committee of the City Hall, whose duty it shall be to direct and have executed all necessary repairs or improvements to the same; to take care that the Hall is preserved in good order and to draw on the Chamberlain for the expense of executing the same: *Provided*, That it does not exceed the annual appropriation.

3. *And be it further Ordained*, That annually, at the monthly meeting of the Hall in April, or as soon thereafter as convenient, there shall be appointed a Keeper of the City Hall; whose especial duty it shall be, to keep the same and all the Offices thereof, the Clerk's Offices excepted, clean and neat; to procure fuel and make fires in the Chamberlain's and Mayor's Offices, in the room set apart for the use of the Common Hall, and in the Court and Jury rooms, and in the Sergeant's Office; to report from time to time, to the Hall or the Committee aforesaid, any repairs or improvements which it may seem to him to be necessary to have done to the Hall; and in the name of the Mayor, Aldermen and Commonalty of the City of Richmond, to prosecute all who offend against any of the provisions of this Ordinance. For which services, the said Keeper shall receive annually the sum of two hundred dollars, payable to him by the Chamberlain quarter yearly.

4. *And be it further Ordained*, That no person shall be permitted to sell or offer for sale, any article of refreshment in the City Hall, or on the land belonging to the Corporation adjoining thereto, without

having previously obtained the permission of the Mayor, or presiding Magistrate for the time being, under the same penalties as are declared by the first section of this Ordinance.

5. This Ordinance shall commence and be in force, from the passage thereof.

CHAP. XVII.

An Ordinance, to amend and reduce into one, the several Ordinances concerning the Public Burying Places in the City of Richmond.

[Passed February 20, 1829.]

WHEREAS, by an arragement long since entered into by the Hall and the Vestry of the Parish of Henrico, all the ground appropriated to the interment of the dead which belonged to the said Parish situated on Richmond Hill, was inclosed by one common wall with the lands which belonged to the Corporation adjoining thereto; and at that time it was understood, the Hall should at all times have power, to establish such regulations as they might think proper for the government of the same; and should moreover incur and defray all the necessary expense attending the erection of Gates and Steps, and keeping the inclosure in good repair.

1. *Be it therefore Ordained by the President and Common Council of the City of Richmond, in Common Hall assembled, and it is hereby Ordained by the authority of the same, That the Church Wardens of the Parish of Henrico for the time being, shall have authority to appoint a fit and suitable person to act as Sexton or Keeper of the said Burying Ground; who shall continue in Office during the pleasure of said Wardens, and shall obey all instructions given by them relating to the mode of interment, and the safe keeping and preservation of the grounds. The place of interment shall be at all times open, for the reception and interment of the dead, of all white persons of whatever religious denomination residing within the limits of the City, except as is hereinafter excepted. The Wardens shall have power to grant the right of interment as they may think fit and proper, to persons who have not been residents of this*

City, and to demand for each, five dollars; three dollars of which shall be paid to the Sexton, and the balance to the Chamberlain for the use of the City. The Wardens may draw on the Chamberlain for a sum not exceeding fifty dollars per annum, for keeping in repair the Walls, Gates and Steps of the Burying Ground.

AND WHEREAS the City of Richmond, has appropriated four acres of ground near the Poor-House on Shockœ-Hill, as a burying place, and has at much expense graduated and inclosed the same; and it is expedient that some general regulations should be prescribed for interments therein, as well to promote the convenience of the people of the City, as for the preservation of the property.

2. *Be it therefore Ordained by the President and Common Council in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That a Committee of five Members of the Common Hall, one of whom at least shall be from each Ward, shall be annually appointed by the President thereof at the regular meeting to be held in the month of April, or as soon thereafter as practicable, whose duty it shall be, to visit from time to time and to inspect the condition of the Burying Ground. It shall be the duty of the said Committee, to exercise a general controul over the manner and arrangement of the interments in the Burying Ground, which may not be contrary to the provisions of this Ordinance: to take care that the Keeper of the Burying Ground hereinafter mentioned, performs regularly and faithfully his or her duty, and to report to the Hall any neglect or improper conduct of that Officer.

3. *And be it further Ordained,* That the Common Hall of the City of Richmond, shall annually elect by ballot, a Keeper of the Burying Ground aforesaid; who shall be removeable at pleasure by a vote of two-thirds of the Members of the Hall present; and who, before he or she enters on the performance of his or her duties as such, shall enter into a bond with security to be approved by the Hall, in the penalty of seven hundred dollars, payable to the Mayor, Aldermen and Commonalty of the City of Richmond for the time being and their successors in office, conditioned that he or she will well and truly account for quarter yearly and pay over to the Chamberlain, all money which by virtue of his or her Office may come to his or her hands, and do and perform each and every duty enjoined or required by this

Ordinance. It shall be the duty of the Keeper of the Burying Ground, to take care of and keep in a proper state and condition the Burying Ground aforesaid; to inter all dead bodies of free white persons, and no others, brought there for interment; to keep a Register in such form as the Committee aforesaid may require, of all interments made, in which shall be given the name, age, and sex of each, also the calling or profession if it can be ascertained, and the disease of which each may have died; which Register shall be reported once in every three months, or oftener if required, to the Common Hall: and to do and perform every other duty as Keeper aforesaid, which the said Committee may require; and to account for and pay over quarter yearly, all money to the Chamberlain, which may come to his or her hands by virtue of his or her office. For the services aforesaid, the Keeper shall receive the following fees and allowances. There shall be paid to him or her quarter yearly out of the City Funds, fifteen dollars: and in addition thereto, the Keeper shall and may charge the following fees and no more; for digging a grave and intering one over the age of eighteen years, two dollars; for one between the ages of fourteen and eighteen years, one dollar and seventy-five cents; for one between the ages of ten and fourteen years, one dollar and fifty-cents; for all of ten years and under, one dollar and twenty-five cents. Every grave sunk in the said Burying Ground, shall be at least six feet deep. And the said Sexton shall and may charge and demand the like fees for interments by him made, and no more.

4. *Be it further Ordained, by the authority aforesaid, That it shall be lawful for any free white person, who may wish to acquire a title to any part of the Burying Ground on Shockæ Hill, to obtain the same on the following conditions and stipulations: Such person shall make with the Keeper of the Burying Ground, a location of the section, half or quarter section, which he or she may select, and pay to him or her the purchase money and obtain his or her certificate of the location and of the payment made therefor, to be presented to the Chamberlain: Upon presenting such certificate of location to the Chamberlain, the Chamberlain shall issue and deliver to the person making the location and payment, a certificate in the following words and figures to wit: This is to certify, that* *is entitled*
to Section No. _____, or quarter Section No. _____, and in
Section No. _____, (as the case may be,) in Range No. _____, in
the Burying Ground on Shockæ Hill; according to the Plan thereof
surveyed by Richard Young, and deposited in the Chamberlain's

Office for the City of Richmond. Given under my hand as the Chamberlain of the said City of Richmond, this day of ; which certificate shall give to the holder thereof a fee simple title to the Land therein described, for the use of the purchaser as a burying place for himself or herself, or any member of his free white family, or any of his or her descendants or friends. For each section, the person locating the same shall pay forty dollars; for each half section, twenty dollars; and for each quarter section, ten dollars: *Provided*, That not more than one hundred sections of the whole ground now inclosed, shall be sold under this Ordinance: *And provided also*, That nothing in this Ordinance contained, shall be so construed, as to prevent the Hall from regulating the interments in the said Burying Ground, as may seem to it proper from time to time: *And provided also*, That no person shall be authorised in his or her own right, or on his or her own account, to take up more than a section nor less than a quarter section. *Provided, however*, If any section, half section or quarter section, shall remain without any interment for the space of twenty years, and if the purchaser should be dead or removed and no relative of the purchaser is known by the Committee or Keeper to reside in Richmond, that it shall then be the duty of the Committee to give notice thereof in some public newspaper published in the City: and if no relative of the purchaser appears in thirty days, that then the said section, half section or quarter section, as the case may be, shall revert to the City.

5. *And be it further Ordained by the same authority*, That there shall be no inclosure erected in the said Burying Ground of greater height than four feet. And no person shall be interred in the public burying part thereof, other than a citizen of the City of Richmond; a member of the family of some citizen of the City of Richmond; or connexion of some citizen of the City of Richmond; or some person who may have died within the City of Richmond, but by permission obtained from the Committee of the Burying Ground, and paying in addition to the fee allowed to the Keeper, the sum of three dollars to the Chamberlain for the use of the City.

6. *And be it further Ordained*, That the Committee of the Burying Ground, be and they are hereby authorised, from time to time, to contract for the improvement of the grounds and the repairs of its inclosure, and to draw on the Chamberlain for the amount of such

contract or contracts, to be paid for out of the sales of land made under this Ordinance.

7. *And be it further Ordained by the authority aforesaid,* That no one who shall have been convicted of, or charged with and not tried, or held in confinement upon a charge for any Felony or Misdemeanor, and against any of which offences the Laws of the Land denounce an infamous punishment, shall be intered in either of the public burying places aforesaid, unless the Wardens or the Burying Ground Committee, or a majority thereof consent thereto: but such person may be buried in the Lands of the City adjacent to the said Burying Ground on Shockoe Hill.

8. *And be it further Ordained, by the authority aforesaid,* That any free person who shall wilfully deface or injure, or cause any defacement or injury to be done, to any of the inclosures erected around or within, either of the burying places aforesaid; or to any tree, shrub, vine, tombstone, or other stone or slab which may be erected or placed by any one within the said burying places, according to the regulations thereof, shall for each and every offence be liable to a fine of six dollars, to be recovered for the use of the Corporation by Warrant before any Justice of the Peace for the same: And if such offender be a Slave, shall receive on his or her back, any number of lashes not exceeding thirty-nine, at the discretion of the Magistrate before whom the trial and conviction may be had.

9. All Ordinances and parts of Ordinances coming within the purview of this Ordinance, shall be and the same are hereby repealed: *Provided however,* That nothing herein contained, shall impair or diminish any right or interest heretofore vested or granted, by virtue of any Resolution or Ordinance of the Hall.

10. This Ordinance shall commence and be in force, from and after the passing thereof.

CHAP. XVIII.

*An Ordinance, concerning Fires, and Fire Companies.**

[Passed July 14, 1828.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That within twenty days after the passage of this Ordinance, the respective Fire and Hydraulion Companies in this City, shall, at a meeting of each Company, to be called by the Captain or Commander thereof for this purpose, and annually thereafter in the month of July, nominate by ballot, one individual to act as Principal Engineer, and six persons, two from each Ward, to act as Fire Wardens. Any Captain or Commander of a Fire or Hydraulion Company, who shall fail to call a meeting for the purposes aforesaid, within the period aforesaid, or shall within ten days after such meeting, fail to notify the President of the Common Hall of the nomination made by his Company, shall

*AN ACT,

Concerning the Fire Companies within this Commonwealth.

[Passed January 18, 1828.]

Whereas, it is represented to the General Assembly, that in many of the towns of this Commonwealth, Companies have been formed for the purpose of extinguishing fire on buildings, and that the individuals composing such Companies, voluntarily perform very laborious duties, and encounter expenses and privations, with the laudable motive of protecting the property of their fellow citizens; and whereas, it appears expedient to the General Assembly, that such associations should be duly fostered and encouraged:

1. *Be it enacted by the General Assembly,* That whenever any number of citizens, not less than twenty, nor more than forty, in a City, Borough or Town, in this Commonwealth, shall have organized themselves into a Company, for the purpose of extinguishing fire on buildings, and shall have procured, or been furnished with, a good and sufficient Engine, and other necessary implements for the extinguishment of fire, the individuals composing such Company, so furnished and provided as aforesaid, shall be, and are hereby exempted from all fines for non-attendance at the several musters of the Militia prescribed by law. But nothing herein contained shall be so construed, as to exempt the said persons from being annually enrolled as heretofore, in the Militia of this Commonwealth, or from the performance of military duty, whensoever the regiment to which they may belong, or any part thereof, shall be called into actual service.

forfeit and pay the sum of five dollars, to be recovered by warrant with costs, before any Magistrate of the Corporation. The notice to the President of the Common Hall, shall be in the following form:—

“I, do hereby certify, that was, this
day of , nominated by ballot, by the Fire or
Hydraulion Company, as a fit and proper person to fill the office of
Principal Engineer; and that and of Jefferson
Ward, and of Madison Ward, and
and of Monroe Ward, were nominated as fit and proper
persons to be Fire Wardens for the City of Richmond.

*Captain or Commander of
Fire, or Hydraulion Company.”*

2. *Be it further enacted*, That it shall be the duty of the Commanding Officer of every such Fire Company, once in every year, to present to the Regimental Court or Courts of Enquiry, of the Regiment or Regiments of Militia, in which the members of his said Company may be enrolled, a correct report of the names of all the said members, and of the periods at which they shall have severally joined his said Company, and also of the condition of the Engine, Hose, and other instruments connected therewith, and entrusted to his charge; which report shall be received as sufficient evidence to exonerate the persons, whose names may appear thereon, from the payment of any fine assessed against them for non-attendance at any muster which shall have taken place subsequently to the time of their having become members of such Company. And every such Commanding Officer, for failing to return the annual report hereby directed, shall be fined by the said Regimental Court or Courts of Enquiry, not less than three, nor more than ten dollars.

3. *Be it further enacted*, That whenever such Company, in the opinion of a majority of the Fire Wardens, or Fire Department, of any City, Borough or Town, to which the said Company shall belong, or if there be no Fire Wardens, or Fire Department, in the opinion of the Regimental Court of Enquiry, of the Regiment, in which the said Company or the greater part thereof shall be enrolled, shall have failed for three months successively, to consist of twenty effective members, or shall have neglected or been unable, for the like period of time, to keep the Engine, Hose, and other instruments entrusted to them, in good and serviceable condition, it shall be the duty of the said Regimental Court of Enquiry to dissolve the said Company, and the members thereof shall be forthwith subject to the performance of Militia duty, as fully, and to the same extent, as if this act had not been passed.

2. *And be it further Ordained*, That when the President of the Common Hall shall be notified by the Captains or Commanders of the respective Companies, that such nomination has been made as aforesaid, it shall be his duty, without any unnecessary delay, to call a meeting of the Hall for the purpose of receiving the nominations so made by the respective Companies. And out of the persons nominated to fill the office of Principal Engineer, the Hall shall proceed by

4. *Be it further enacted*, That the members of every such Company may elect their own officers, and form by-laws, rules and regulations for their own government, provided the same be not repugnant to the laws of the land. And it shall be the duty of the Commanding Officer of every such Company to certify all elections which may be made by the members thereof, to the Commanding Officer of the Regiment or Regiments, in which any of the said members may be enrolled, within thirty days after such election shall have taken place; and for failing to do so, he shall be fined by the Regimental Court or Courts of Enquiry, of such Regiment or Regiments, not less than three, nor more than ten dollars.

5. *Be it further enacted*, That besides the meetings of such Company, which may be required by its own by-laws, meetings thereof are hereby directed to be held, in the months of April and October, on such days as the Commanding Officer thereof shall appoint, for the purpose of inspecting, practising, and preserving in good order and condition, the Engine, Hose, and other necessary furniture, belonging or entrusted to such Company. A list of all the members who shall be absent from such meetings, shall be returned by the Commanding Officer of the Company, to the next Regimental Court or Courts of Enquiry, to be held for the Regiment or Regiments, in which such absentees may respectively be enrolled; and such Court or Courts of Enquiry may impose a fine upon the said delinquents, of not less than seventy-five cents, nor more than three dollars, which fines shall be suspended and remitted, or collected and appropriated, in the same manner as militia fines are required by law to be suspended, remitted, or collected and appropriated. And for failing to make a report of the said absentees, as hereby directed, every such Commanding Officer, as aforesaid, shall be fined by the Regimental Court or Courts of Enquiry aforesaid, not less than three nor more than ten dollars. And all fines which may be assessed under this act, against the Commanding Officers of the said Fire Companies, shall be suspended and remitted, or collected and appropriated, in the mode now prescribed by law, in relation to militia fines.

6. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

7. This act shall be in force from the passing thereof.

ballot, to elect an Officer, who shall be styled the Principal Engineer of the City of Richmond; and out of the persons nominated to fill the office of Fire Wardens, the Hall shall proceed by ballot, to elect six persons, two from each Ward, who shall be styled Fire Wardens of the said City.

3. *And be it further Ordained*, That the Principal Engineer, the Fire Wardens, and the Captains or Commanders of the respective Fire or Hydraulion Companies, shall constitute the *Fire Department*, for the City of Richmond; and they, or a majority of them, shall be and are hereby empowered, to adopt such rules and regulations as they may deem necessary and proper, for the promotion of the objects for which the said department is established; which rules and regulations shall be binding upon them and the Citizens, when approved by the Hall.

4. *And be it further Ordained*, That the Ordinance, entitled, "An Ordinance, providing for the appointment and prescribing the duties of a Principal Engineer relative to fire, for the City of Richmond, and for other purposes," passed the 13th of August, 1821, and all other Ordinances or parts of Ordinances, coming within the purview of this Ordinance, shall be, and the same are hereby repealed.

5. This Ordinance shall be in force from and after the passage thereof.

CHAP. XIX.

An Ordinance, to regulate the Fire Department of the City of Richmond.

[Passed June 8, 1829.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same*, That the Principal Engineer shall, in all cases of fire, have the sole and absolute controul and command over all the Fire, Hydraulion, or Hose Companies, and it shall be his duty, to direct the Commanders of Companies, to place

their Engines or Hose, in such situations, as he may deem most advantageous for the speedy extinguishment, of the fire. It shall moreover be his duty, to report in writing, to the Fire Department, at their first meeting after a fire, the cause thereof, as well as can be ascertained, and the number and description of the buildings destroyed or injured, together with the name of the occupant and owner. He shall also report all delinquencies which may occur; and he shall twice in each year, in the months of April and October, or oftener, if required by the Fire Department, examine and report the condition of the different Engines, Hydraulions and apparatus, to the Department.

2. The Wardens immediately upon the alarm of fire, shall repair to the place where the fire may be, and assist in procuring supplies of water to the Engines. They shall also prevent the Hose from being trodden on; and keep all idle and suspicious persons at a proper distance from the fire. They shall, at the annual meeting of the Fire-Department in the month of August, be classed by ballot; No. 1, 2, 3, 4, 5, 6; and in the absence of the Principal Engineer from a fire or meeting, Warden No. 1, shall possess all his powers and perform all his duties; in the absence of both, No. 2, shall command, and so on in succession to No. 6.

5. The Commander of each Fire, Hydraulion, or Hose Company, shall immediately upon the alarm of fire, cause his Engine or Hose to be conveyed to the fire, or to the supply of water nearest the fire; and upon his arrival, he shall send one of the members of his Company to the Principal Engineer to report his arrival, and to receive and convey orders from the Principal Engineer to his Company.

4. No Fire Engine, or Hydraulion, during any fire, or any report of fire, or at any time under any pretence whatsoever, unless the Engine house itself shall be on fire, shall be taken or removed from its house, except in the presence and with the consent of the Commander, or two of the white members of the Company, or by the orders of the Principal Engineer.

5. The Department shall at their meeting in August, in each year, appoint a Clerk, whose duty it shall be to keep a fair record of the proceedings, and to preserve all the papers belonging to the Department. He shall once in three months, furnish the Captain of the Night Watch with a list of the members of the Fire Department;

who shall direct the Watchmen, upon an alarm of fire, to give notice to them. And it shall be the duty of every Watchman, upon the breaking out of any fire, to alarm the citizens by crying fire, and mentioning the street where it may be.

6. The Commanders of Companies, shall quarter yearly in the months of August, November, February and May, report to the Fire Department, the number of white members of their respective Companies, who attended at each fire during the quarter. And they shall also annually report, at the meeting of the Department in the month of November, the names of the effective members of their Companies and the names of their Officers: And whenever any new election of officers shall take place, it shall be the duty of the Secretary of that Company, to notify the Department thereof.

7. The Principal Engineer shall wear at all fires, a Leather Hat or Cap painted as the Fire Department may direct, with the words *Principal Engineer*, and a Fire Engine blazened in front: He shall carry a Speaking Trumpet painted as may be directed by the Fire Department, with the words *Principal Engineer* thereon. He shall also cause to be conveyed to the fire, a Lantern at least eight feet high, and so fixed, as by its light to show the letter E on four sides; near which, in a conspicuous situation in front of the fire, he will place himself, when duty does not require his presence elsewhere.

8. The Fire Wardens shall at all fires, wear a Leather Hat, painted as may be directed by the Fire Department, with the word *Warden* thereon: They shall also carry a Wand painted Black with a Brass Ball on the top thereof, and a Speaking Trumpet painted in the same manner as that of the Principal Engineer, except that the word *Warden* shall be substituted for *Principal Engineer*. They shall also, in addition to the other duties enjoined upon them, when required by the Principal Engineer, carry any orders from him to the different Commanders of Companies, or make any examination of the fire which he may direct.

9. The Fire Department shall have power to make by-laws and regulate their own proceedings in meetings: They shall meet once in three months, or oftener if business should require (to be notified by the Principal Engineer.) They shall decide upon the reasonableness of all bills, for repairs to the Engines, Hoses, Houses, or Apparatus.

which may have been ordered by the Principal Engineer; and upon application from any Company, may order any repair, alteration, or improvement in the Engines, Hose, or Apparatus, which the necessity of the Company or interest of the City may require: *Provided*, That they shall not in any one year, authorise any expenditure exceeding the appropriation made by the Common Hall in that year for that purpose. All the necessary expenses of the Department, shall be paid for, out of the fund appropriated for the encouragement of Fire Companies.

10. The Principal Engineer shall, for failing to appear at a fire, to examine the Engines and Apparatus, or to make any report which may herein be required of him, unless he offers an excuse-satisfactory to the Fire Department, forfeit and pay for each offence, the sum of five dollars; to be recovered by Warrant with costs, before any Magistrate of the Corporation; the fine when so recovered, to be paid to the Chamberlain for the use of the Corporation.

11. The Captain or Commander of a Company, failing to perform any of the duties required of him by this Ordinance, shall forfeit and pay for each offence, a sum not more than five, nor less than two dollars, to be recovered by Warrant with costs, before any Magistrate of the Corporation, and to be paid to the Chamberlain for the use of the Corporation.

12. Whenever any vacancy shall occur during the year, in the office of Principal Engineer or Fire Warden, the Fire Department shall be authorised to nominate to the Common Hall, a person to fill such vacancy.

13. Any person who shall wilfully and designedly prevent the Principal Engineer, Wardens, or any Fireman from the discharge of his or their duties at a fire, shall forfeit and pay for the use of the Corporation, the sum of six dollars, upon judgment before the Mayor or any Alderman of the City.

14. This Ordinance shall commence and be in force from and after the passing thereof.

CHAP. XX.

An Ordinance, providing for the Watering of D Street from 11th to 14th Streets.

[Passed May 28, 1829.]

Whereas, it has been represented by two-thirds of the owners of lots on D Street from 11th to 14th Streets, (the assessed value of which said lots, with their improvements, owned by the persons aforesaid, amounts to at least two-thirds of the assessed value of all the real property on the said street, between the streets aforesaid;) that they are anxious to have the same watered from 11th to 14th streets, through iron pipes of at least six inches calibre; and praying an Ordinance for that purpose, in conformity with an act of the last Session of the General Assembly upon the subject,* and that Commissioners be appointed to direct its execution.

1. *Be it therefore Orduined by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Orduined by the authority of the same,* That Messrs. Samuel P. Parsons, David Bullock, Hezekiah L. Wight, William Anderson and Spotswood D. Crenshaw, be and they are hereby appointed Commissioners, for the purpose of contracting for, and having the water conveyed from the Basin at 11th street, down to the western corner of 14th street at its intersection with D street, through iron pipes of the following dimensions, viz:

From the Basin at 11th street to the middle of D, and down D to the intersection of 12th street, six inches calibre.

From the intersection of 12th street with D, to the intersection of 13th street with D, five inches calibre.

From the intersection of 13th street with D, to the intersection of 14th street with D, four inches calibre.

And for having eight fire plugs inserted in the said pipes, at such distances and in such a manner, as to the said Commissioners, or a majority of them, may seem expedient.

And that the said Commissioners, shall moreover require from the person or persons with whom they may contract for the performance of the work, a bond with sufficient security in a penalty not exceeding two thousand dollars, payable to the Mayor, Aldermen and Com-

* See *Ante* p. 38.

monalty of the City of Richmond and their successors in office, and conditioned for the faithful performance of the work aforesaid within a reasonable time; which bond is to be deposited with the Chamberlain.* And the said Commissioners or a majority of them, shall be and they are hereby authorised, from time to time, to draw upon the Chamberlain for such sum or sums of money, as to them may seem necessary for the prosecution of the work aforesaid: *Provided*, the whole cost of the same shall not exceed the sum of two thousand dollars; which orders the Chamberlain is hereby authorised and directed to pay.

2. *And be it further Ordained by the authority aforesaid*, That the amount which may be paid by the City in executing the said work, shall be repaid to the City by the owners of real property situated on D street, between 11th and 14th streets, without interest, in the following manner, to wit: In addition to the tax, to which the property on the said street shall be subject, in common with the other real property in the City, the Hall shall assess an annual tax equal to, and not exceeding twenty per cent. of the cost of the said work, on the property with the improvements thereon, lying on D street between 11th and 14th streets along which the pipes aforesaid are to be conducted, until the amount expended as aforesaid, shall be repaid without interest; and which tax is to be assessed, collected and accounted for, in the same manner as the other taxes of the City on real property, are now assessed, collected and accounted for: *Provided*, That the first assessment of the tax aforesaid, shall not be made before the year one thousand eight hundred and thirty.

3. *And be it further Ordained*, That when the contemplated work of conveying the water along D, from 11th to 14th streets aforesaid, shall have been completed, or so soon thereafter as practicable, it shall be the duty of the Commissioners of the streets for Madison Ward, to make such arrangements for having the said street effectually watered and cleansed as far as practicable, at such times and in such manner as to the said Commissioners or a majority of them may seem requisite.

4. *And be it further Ordained*, That if any person or persons shall injure or deface any fire-plug or fire-plugs, or shall waste the

* See *Post* p. 104.

water, or otherwise in any manner injure or deface the pipes or plugs in any street or alley in which the same may, under the provisions of this Ordinance, or at any time hereafter, be laid or inserted; or shall injure or deface any of the apparatus used for watering or cleansing the same, such person or persons being thereof lawfully convicted before any Justice of the Peace for the City of Richmond, shall forfeit and pay the sum of six dollars and sixty-six cents; one-half of which to go to the informer, and the other half to the Chamberlain, for the use of the City. And if a slave, the person or persons so offending, shall be punished with stripes at the discretion of the Magistrate before whom he or they shall be convicted: provided, the same shall not exceed twenty-one lashes.

5. *And be it further Ordained*, That the right of property in the works done under the provisions of this Ordinance, shall remain and be vested in the Corporate Body of the City. And, that if hereafter, it shall be deemed expedient, to alter or add to the pipes authorised by this Ordinance to be laid, it shall be lawful for the Hall to make such alteration or addition at the proper costs and charges of the City, or of the owners of property on the street or streets requiring the alteration or addition.

6. *And be it further Ordained*, That before this Ordinance shall be deemed to be in force and operation, the consent of the James River Company, shall be first had and obtained, to so much thereof, as enlarges the quantity of water to be drawn from the Basin of the Canal beyond the grant of the said Company; or which may in any other respect depart from the existing contract between the Hall and said Company.*

*The above Ordinance, was approved by the James River Company on the third of June, 1829; "on condition that the navigation of the Canal shall sustain no injury or impediment in consequence thereof, and that the James River Company retain the privilege of withdrawing the supply of water whenever, in their opinion, the interest of the Company may make it necessary."

An Ordinance, to regulate the Manufacture and Sale of Bread.

[Passed June 8, 1829.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same, That all Loaf Bread made and offered or exposed for sale, in this City, shall be sold by weight.*

2. *And be it further Ordained, That every person using and carrying on the trade or business of a Baker in this City, shall cause all bread by him or her made or procured to be made for sale in this City, to be made of good and wholesome flour or meal. And all Loaf Bread so made for sale, shall be made into Loaves weighing four, eight, twelve, sixteen, twenty, twenty-four, twenty-eight, thirty-two, forty, forty-eight, and sixty-four ounces, avoirdupois weight; and shall be stamped with the initial letters of the name of the maker, and the figures to designate the weight of the Loaf.*

3. *And be it further Ordained, That any person who shall sell or offer for sale, any Bread, representing the same to be of greater weight than upon trial it shall be found to be, if such difference shall be as much as half an ounce; or shall make for sale, or sell, or procure to be sold, or offer or expose for sale in this City, any Bread made of other than good and wholesome flour or meal; or without being stamped with the letters and figures as aforesaid; or shall cause alum or any other unwholesome ingredient to be used in the making of such Bread; shall forfeit and pay six dollars and sixty-six cents for every such offence, to be recovered by warrant, if a free person, before any Justice of the Peace for the City, one-half to the use of the informer, and the other to the use of the Corporation; and if a slave, shall be punished by stripes, at the discretion of the Magistrate, not exceeding however, thirty-nine lashes.*

4. *This Ordinance shall commence and be in force, from and after the passing thereof.*

CHAP. XXII.

*An Ordinance, relating to the Public Square in the City of
Richmond, and the Yard of the City Hall.*

[Passed March 13, 1829.]

Whereas, the Governor of this Commonwealth, in pursuance of an Advice of Council, of the eighteenth day of June, one thousand eight hundred and twenty-four, has transferred the custody and future improvement of the Public Square in this City, to the Common Hall of the City of Richmond, upon certain conditions therein mentioned; and the Common Hall of the said City, having agreed to take charge of and improve the same, subject to the restrictions mentioned in said Advice of Council.

1. *Be it therefore Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same, That* annually in the month of April, or as soon thereafter as convenient, there shall be appointed by the President of the Hall, a Committee of three, to be called the *Committee of the Public Square*, whose duty it shall be to make and superintend all contracts relative to the improvements and repairs of the said Square, and to take care that the same is preserved in good order, and to draw on the Chamberlain for the expense thereof: *Provided, That* it does not exceed the annual appropriation.

2. *Be it further Ordained, That* annually, in the month of April, or as soon thereafter as convenient, there shall be appointed a *Keeper of the Capitol Square*, whose duty it shall be to make such improvements and repairs to the said Square and the Yard of the City Hall, as the said Committee shall direct; and to preserve the turf, walks and trees, and keep the same in clean and neat order; and to report from time to time, to the Hall, or the Committee aforesaid, any repairs or improvements which it may seem to him necessary to have done; and in the name of the Mayor, Aldermen, and Commonalty of the City of Richmond, to prosecute all who offend against any of the provisions of this Ordinance: for which services the said Keeper shall receive annually, the sum of three hundred dollars, payable to him by the Chamberlain quarter-yearly, upon the certificate of the Committee, that he has well and truly performed his duty.

3. *Be it further Ordained,* That any person or persons desirous of selling any refreshments in the said Square, shall annually, apply to the Committee aforesaid for a license, which the said Committee are hereby authorised and empowered to grant, upon the applicant's paying to the Chamberlain of the said City, the sum of ten dollars, and exhibiting sufficient evidence of his or her good character. And if any person or persons shall erect or keep, any Booth, Tent, Arbour, Stall or Table, within the said Square, for the purpose of selling any refreshments, or shall sell within the said Square any refreshments, without having first procured a license as aforesaid, he or she so offending, shall forfeit and pay for each and every offence, the sum of six dollars and sixty-six cents, to be recovered with costs, by Warrant before the Mayor, Recorder or any Alderman of said City, in the name of the Mayor, Aldermen and Commonalty of said City.

4. *Be it further Ordained,* That if any person or persons, shall destroy or injure any tree, post, chain, railing, walk or grass within the said Square or Yard of the City Hall; or any part of the iron railing enclosing the said Square, he, she or they shall be subject to a fine not less than two dollars, nor more than six dollars and sixty-six cents for each and every offence, to be recovered in manner aforesaid, with costs.

5. *Be it further Ordained,* That if any slave shall commit an offence prohibited by this Ordinance, he, or she so offending, shall receive on his or her bare back, by order of any Magistrate of this City, any number of stripes well laid on, not exceeding fifteen; unless his or her owner, employer or overseer, will pay a penalty of three dollars for such offence, in which case, the stripes shall not be inflicted.

6. *Be it further Ordained,* That the tax hereby imposed upon the licenses aforesaid, and all forfeitures or penalties to be incurred by virtue of this Ordinance, be and the same are hereby set apart and appropriated, towards defraying the expense of keeping and improving the Public Square. And that all the Officers of Police in this City, be and they are hereby required, and especially on public days, to render all the assistance in their power, in enforcing the provisions of this Ordinance.

7. All Ordinances and parts of Ordinances coming within the purview of this Ordinance, shall be, and the same are hereby repealed.

8. This Ordinance shall commence and be in force, so soon as the same shall be approved by the Executive of this Commonwealth, and certified to the Common Hall.*

* So much of the above Ordinance as relates to the Public Square, approved by the Executive, on the 12th of June, 1829, and certified to the Common Hall, "*Provided*, That it shall not be so construed, as to authorise the erection of any Booth or Booths within the enclosure of the Square." [See Ante, *Acts of Assembly*, Ch. 28, p. 33.]

CHAP. XXIII.

An Ordinance, repealing part of "An Ordinance, providing for the watering of D Street, from 11th to 14th Streets," and for other purposes.

[Passed June 18, 1829.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same*, That so much of the first section of the Ordinance providing for the watering of D Street from 11th to 14th Streets, as renders it the duty of the Commissioners therein named, to require from the person or persons with whom they may contract for the performance of the work, a bond with sufficient security, in a penalty not exceeding two thousand dollars, payable to the Mayor, Aldermen and Commonalty of the City of Richmond and their successors in office, and conditioned for the faithful performance of the work aforesaid, within a reasonable time, and requiring the said bond to be deposited with the Chamberlain; be and the same is hereby repealed.

2. *And be it further Ordained*, That the Commissioners named in the said Ordinance, be and they are hereby authorised, to proceed with the work therein mentioned, in such manner as to the said Commissioners, or a majority of them, may seem most advisable, for carrying into effect, the purposes of the said Ordinance; subject nevertheless, to all the provisions of said Ordinance not herein before repealed.

3. This Ordinance shall be in force from and after the passage thereof.

CHAP. XXIV.

An Ordinance, reducing into one, the several Ordinances for regulating the Public Markets in the City of Richmond.

[Passed August 24, 1829.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That no person shall hereafter occupy a stall or stalls in the Public Markets of this City, until he obtain a License from the Common Hall; (first having satisfied the Hall as to character and capability) for which he shall pay one dollar to the Chamberlain for the use of the City: and if any Butcher occupying any such stall or stalls, shall be guilty of any violation of the Criminal Laws of this State, or any of the Ordinances of this City relating to the Markets, and shall be thereof legally convicted, his License shall be forfeited, at the discretion of the Hall; and it shall be the duty of the Clerk of the Market, to proceed with any such stall or stalls so vacated, as if the vacancy had occurred by the death of the occupier.

2. There shall annually, after every new election of the Common Council, be appointed a Committee of Markets, whose powers and duties shall be as herein provided for.

3. The amount of the annual rent assessed upon all stalls for the sale of meats in the Old and New Markets, shall be paid quarterly in advance to the Clerks of the respective Markets, who shall rent them to the Licensed Butchers at the said assessed rent, until a new assessment shall be directed by the Common Hall; which new assessment, may be made at any time, to take effect at the end of the year. The mode of assessment shall be, by putting each stall up for the highest premium in cash, over and above the regular assessment. No Butcher shall be allowed to occupy more than two stalls at the same time, nor shall any Butcher relinquish his or her stall after the commencement of any year; but in case of the death of the occupier, or on a failure to pay the assessment quarterly in advance, so that a default of more than ten days shall happen, or in case he fails for the space of more than two weeks to supply his stall or stalls with good and wholesome meats, in either of these cases, the stall or stalls shall be considered vacant, and it shall be the duty of the Clerk of the Market,

to offer the said stall or stalls for sale forthwith, to the highest bidder for cash, for the balance of the year, first giving notice for twenty-four hours of the time of such sale, to be posted on the front of the Market; and in all cases, of delinquency in paying or supplying as aforesaid, it shall be the duty of the Clerk to proceed by Warrant or otherwise, to recover from the delinquent, for the use of the City, the quarterly arrearages as they fall due, and not paid within ten days thereafter, up to the end of the year.

4. Any Butcher may relinquish his or her stall or stalls at the end of any year: And whenever there shall be more than one applicant for any such stall or stalls, the Clerk of the Market shall offer it or them to the highest bidder for cash, above the regular assessment, giving twenty-four hours notice thereof in writing, posted at the front of the Market.

5. Every Butcher occupying a stall or stalls in the Public Markets, and who shall thereat dispose of meats for the benefit of other persons not licensed to sell at the same, shall account for and pay for all meats sold at his stall for the benefit of others, at the same rates that the owners thereof would have been liable to pay, if the same had been sold by them: and the said Butchers shall quarterly, render to the Clerk on oath, to be made before a Magistrate of this City, an account of the meats sold as aforesaid, within the preceding three months; and in case of failure herein, such Butcher shall be liable to a forfeiture of his License, at the discretion of the Committee of Markets.

6. No Butcher shall be allowed to purchase within the limits of the City and expose for sale, any slaughtered Cattle, Sheep or Hogs, under the penalty of three dollars, and the forfeiture of the articles so bought.

7. Every Butcher, under the penalty of four dollars, shall each and every day, when attending Market, produce to the Clerk thereof, the hides with the ears of the several animals by him brought to Market, which shall be exposed to public view for at least two hours. No Butcher shall be permitted to bring within the Market Square, any dog or bitch during the Market hours, under the penalty of two dollars for each offence: And it shall be the duty of every Butcher occupying a stall or stalls, to keep the same clean and decent, and to cause his or her name to be written or printed in plain characters

over such stall or stalls, under the penalty of fifty cents for each day's omission. Any Butcher occupying a stall or stalls, shall be permitted to remove, at his own expense, any boxes or benches by him or her erected.

8. No Butcher or other person, shall be permitted to weigh any meats, fish, or other articles, with steelyards, under the penalty of five dollars for each offence; and it shall be the duty of the Clerks of the Markets to procure, at the cost of the City, suitable patent balances, to be erected in convenient situations, for the purpose of weighing all meats sold by the quantity, too large to be weighed with scales and weights; it shall moreover be the duty of the Clerk of each Market when called upon, to weigh any average or other Beef passing from the Drover to the Butcher, and grant a certificate of the same, for which he shall receive twenty-five cents per head, to be paid by the persons requiring his services.

9. No Butcher shall be permitted to bring into the Market House or Market Square, during the period of the summer establishment, any beef tallow, except such as may be necessarily attached to the hind quarters of beef; nor shall he be permitted to leave in the Market House or Streets contiguous, the heads, feet or other parts of animals, under the penalty of five dollars for every such offence. It shall not be lawful for any Butcher or other person, to sell or offer for sale in the Public Markets of this City, any distempered or unsound *Meats*, under the penalty of five dollars for each offence; nor shall any person be permitted to sell or offer for sale, any unsound *Fish*, or *Fowls*, under the penalty of two dollars for each offence: it shall be the duty of the Clerks of the respective Markets, to examine such articles, and, if found defective, to order them out of Market, and prosecute for the penalties; but should any Butcher or other person feel himself aggrieved by the opinion of the Clerk, he or they shall have a right to appeal to the Committee of Markets, for their decision.

10. No person shall be permitted to sell or expose for sale in the Public Markets of this City, any Butter, Oysters, Fish, Fowls, Eggs, Fruits or Vegetables, if bought within the limits of the City, or consigned within the said limits to him or her for sale, under the penalty of forfeiture of the article so offered or exposed for sale; and if the Clerk of the Market shall have good cause to believe any person

or persons guilty of offending herein, it shall be his duty to seize the article so offered or exposed for sale, and to notify the party to appear before the Mayor or some other Magistrate of the City, at any time within twelve hours, to show cause why the said article or articles so seized, should not be forfeited for the benefit of the City: nor shall any person residing within the City of Richmond or its jurisdiction, be permitted to sell or expose for sale in the Public Markets thereof, any of the above enumerated articles, without producing to the Clerk of the Market, or to any Citizen demanding it, a certificate from the person from whom he, she or they, procured such articles beyond the limits of the City, under the penalty of forfeiture of the articles so offered or exposed for sale; it shall be the duty of the Clerk of the Market to seize such articles, and notify the party to appear at any time within twelve hours, before the Mayor or some other Magistrate for the City, to show cause why such articles should not be forfeited to the City. *Provided however,* That nothing herein contained shall be so construed, as to compel any person residing within the City to produce such certificate, to entitle him or her to sell any of the above enumerated articles, if the same shall be the product of his or her own farm or garden.

11. It shall not be lawful for any person to purchase or sell before the hour of ten o'clock, any article of provisions whatever, on the way to Market, before the same shall have been brought within the Market Square; he or they so offending, shall forfeit and pay two dollars: nor shall any person living within the City or its jurisdiction, be permitted to assist or in any way interfere in the sale of any provisions not their own, brought to Market for sale, under the penalty of three dollars, or, if a slave, stripes at the discretion of a Magistrate, not exceeding ten lashes.

12. No slave shall be permitted to sell or expose for sale, any articles of provisions, unless he or she shall produce a permission in writing, from his or her owner or employer, authorising such sale, describing the quantity and sort of article or articles so permitted to be sold, under the penalty of forfeiture of the articles so offered or exposed for sale, and chastisement, at the discretion of a Magistrate, not exceeding ten lashes.

13. No person shall be permitted to sell any fruits or vegetables, in any other than dry measure, under the penalty of one dollar for each offence: it shall moreover be the duty of the Clerk of each Market, to inspect all such measures, and if found deficient, he or she shall forfeit to the City, the whole of the articles intended to be sold by such measure.

14. If any person shall buy or sell any Beef, Pork, Mutton, Veal, Shoat, Lamb or Butter, which may be brought to the Public Market for sale, in any other manner than by weight, he or she shall forfeit and pay for each offence, the sum of one dollar. It shall be the duty of the Clerk of each Market, to examine butter and other articles sold or offered for sale by weight, and if found deficient, it shall amount to a forfeiture to the City, of the article or articles so offered for sale, and if sold, the value thereof: it shall be the duty of the Clerk, to seize such articles so offered for sale, and notify the parties to appear within twelve hours, before the Mayor or some other Magistrate for the City, to show cause why the said articles should not be forfeited as aforesaid.

15. Any person who shall deposit any rubbish, filth, dirt or offensive matter, in or about either of the Market places or houses in this City, shall, if a free person, be fined, on conviction before any Justice of the Peace of the City, the sum of five dollars; and if a slave, upon like conviction, shall receive on his or her bare back, any number of stripes not exceeding twenty, at the discretion of the Justice before whom he or she may be convicted.

16. It shall be the duty of the Clerks of the respective Markets, daily to demand and receive from each and every person not licensed, the following rates, to wit:—For each slaughtered Bullock, Cow or Steer, offered for sale in the Public Market, twenty-five cents; for each slaughtered Veal, Mutton, Lamb, Hog or Shoat, ten cents; each Sturgeon, ten cents; each Kid or Pig, five cents.

17. The Market shall be opened every day, from the first day of May until the first day of November, until twelve o'clock each day, except on Sundays, on which days, it shall be closed at nine o'clock, A. M.; and from the first day of November until the first day of May, it shall be opened every day, Sundays excepted, until one o'clock P. M.; and, between the first day of November and the first day of May, it shall be lawful to keep the Public Markets open

on Saturdays until eight o'clock P. M. Any person offending herein, or being found at Market after the hour aforesaid, with any provision or other article whatsoever, shall be liable to the penalty of two dollars, and moreover, forfeit whatsoever he or she may so continue to offer for sale at the Market.

18. The Clerks of the Markets shall have authority to cause any cart, waggon, dray, pleasure carriage, horses or other beasts of burden, to be removed from the limits of the Markets, if necessary, to any adjoining Street or unimproved land, and any person using or having the care of any such cart, waggon, dray, pleasure carriage, horse or beast of burden, who shall refuse to obey such order, shall be liable to a fine of one dollar, for every fifteen minutes, the said disobedience shall continue, if free; and if a slave, shall, for said offence, receive ten lashes.

19. If from sickness or any temporary cause, the Clerk of either Market should be unable to attend in person, it shall be his duty to appoint a Deputy, to be paid out of his own salary, who shall have the same power and authority as the principal, to execute any of the provisions of this Ordinance.

20. No Butcher's stall in either Market, shall be allowed to extend out from the side walls more than nine feet; and if any Butcher extend his blocks, benches or other fixtures, beyond that distance, he shall forfeit any pay three dollars for each and every offence; and for every refusal to remove any fixture, that may be directed to be removed by Ordinance, or by the Committee of Markets, he shall forfeit and pay a like sum, for every twenty-four hours such fixture shall remain.

21. The Clerk of the Old Market, shall have power to contract with some proper person, for watering, sweeping and cleaning said Market House, and the Streets and Alleys adjoining; also, to white-wash the inside of the Market House, twice a year, under the direction of the Committee of Markets, who shall have power to draw upon the Chamberlain quarterly, for one hundred and fifty dollars per annum, for his services: *Provided*, they are satisfied the duties have been faithfully performed.

22. It shall be the duty of the Clerk of Shockœ Hill Market, to have swept and kept clean that Market, to whitewash the same at least twice in each year, and to have swept and kept clean the Streets, Lanes and Alleys adjoining thereto; for which service, he shall receive annually, the sum of fifty dollars; upon producing to the Chamberlain a certificate from the Committee of Markets, that the said duty has been properly and faithfully performed.

23. It shall be the duty of the Clerks of the Markets, to attend at their respective Market Houses each day, from day-break until the market closes, to prosecute for all fines and forfeitures in their respective Markets, arising under this Ordinance, and to account quarterly to the Clerk of the Hall, under oath, for all monies received by them respectively, in virtue of their offices, to be laid before the Hall: and if he shall fail to account for and pay over such monies, or to discharge the other duties required by this Ordinance, during the term of one month, the salary shall no longer be paid to such delinquent.

24. That the Clerks of the respective Markets, may be the better enabled to execute the duties of their offices, and preserve order about the Markets, they shall have all the powers of a Police Officer within two hundred yards around the Market, in any direction.

25. The Clerk of the Old Market, shall be allowed for his services, five hundred dollars per annum, payable quarterly, commencing on the first day of January, in each year.

26. The Clerk of Shockœ Hill Market, shall be allowed for his services, three hundred dollars per annum, payable quarterly, commencing on the first day of January, in each year.

27. All Ordinances or parts of Ordinances coming within the purview of this Ordinance shall be, and the same are hereby repealed, from and after the taking effect of this Ordinance.

28. This Ordinance shall commence and be in force, from and after the passing thereof.

CHAP. XXV.

An Ordinance, amending an Ordinance, entitled, "An Ordinance, concerning Theatres, and Public Shows and Exhibitions within the City of Richmond.

[Passed January 11, 1830.]

BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same, That so much of the second section of an Ordinance, entitled, "An Ordinance, concerning Theatres, and Public Shows and Exhibitions within the City of Richmond," (a) as requires the payment of a tax of ten dollars for each day's or night's performance or exhibition of a Circus or Feats of Horsemanship with or without Theatrical Exhibition, be and the same is hereby repealed; and that hereafter the tax which shall be paid for a License by the Exhibitors thereof, shall be five dollars for each day's or night's performance or exhibition of the same.

(a) Ante p. 75

CHAP. XXVI.

An Ordinance, reducing into one, the several Ordinances establishing a Regular Police in the City of Richmond, and prescribing the duties of the Mayor of the said City; and for regulating the appointment and prescribing the Duties of the Night Watch thereof, and for other purposes.

[Passed May 10, 1830.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby ordained by authority of the same, That the Mayor of the said City, in addition to the Judicial functions, which belong to him as a member of the Court of Hustings, shall on each day, Sundays excepted, between such hours as he may designate, hold a Court in the office appropriated for his use, or in such other convenient place as the Hall shall from time to time appoint; (which Court shall be called the "Mayor's Court," and shall hold jurisdiction in all cases in which, the Mayor of the City, can do so according to law and the Ordinances of the City;) and shall exercise a general superintendance and control over the Police of the City.*

2. *And be it further Ordained, That to enable the Mayor to exercise his duties connected with the Police of the said City, he shall appoint Deputies of Police, who shall hold their offices subject to removal at his discretion, and shall conform to his directions, in discharging their duties under the law of the land and Ordinances of the City.*

3. *And be it further Ordained, That the said Mayor shall exercise a superintendance and control over the Night Watch, and that the officers and privates of the same, shall conform to his directions in discharging their duties.*

4. *And be it further Ordained, That the said Mayor shall receive as a compensation for his services, one thousand eight hundred dollars per annum, to be paid quarterly by the Chamberlain, out of the funds of the City; and that he be authorised to draw on the Chamberlain for a sum not exceeding fifteen hundred dollars, to be paid quarterly to the Deputies of Police.*

5. *And be it further Ordained,* That the Recorder and Aldermen shall receive as a compensation for their services, eight hundred dollars per annum, to be divided amongst them, and paid quarterly by the Chamberlain out of the funds of the City, in proportion to the number of days which they shall attend in the Courts holden in the City, to be ascertained by the certificate of the Clerk of the Court.

6. *And be it further Ordained,* That there shall annually, at the stated meeting of the Hall in the month of April, or as soon thereafter as possible, be appointed by the Common Hall, one fit and proper person to act as Basin Master, who shall hold the appointment for the period of twelve months, and until a new appointment shall be made. It shall be the duty of the Basin Master for the time being, (after taking an oath before the Court of Hustings, faithfully to execute the duties of his office) to preserve the peace and quiet of that part of the City known by the name of the Basin; and also, to preserve good order at and about so much of the James River Canal as is within the limits of the City, by arresting and taking before a Magistrate, all such persons as may be riotous or disorderly; to prevent all carcasses of animals and other filth from being thrown into the Basin or Canal, which might annoy or endanger the health of the inhabitants residing near the same, and to abate or remove every kind of nuisance which shall be found in or about the Basin or Canal: and every free person refusing to obey the directions of the Basin Master, shall be liable to a penalty of five dollars, to be recovered by Warrant before any Magistrate of this City; but if the offender be a slave, he or she shall receive such number of lashes on his or her bare back, not exceeding twenty, as the Magistrate may direct.

7. *And be it further Ordained,* That if any owner of a boat, shall permit the same to float at large in the Basin or Canal, whether it shall be filled with water or not, he or she shall be subject to a fine of two dollars for every twelve hours the boat shall be permitted to float at large; to be recovered as aforesaid, before any Magistrate of the City.

8. *And be it further Ordained,* That any person or persons who shall let loose, or set afloat any boat in the Basin or Canal which shall have been made fast, shall forfeit and pay the sum of six dollars and sixty-six cents, if free, and if a slave, shall receive twenty lashes upon conviction before any Magistrate of this City.

9. *And be it further Ordained,* That it shall be the duty of the Basin Master at the end of twenty-four hours after such boat shall have been afloat, if the boat shall not be claimed within that time, and the fine paid, to take such boat into his safe keeping, and after advertising the same for ten days at the Toll House of the James River Company, he shall proceed to sell the same at Public Auction; the proceeds of which sale, shall be applied first, to the payment of the said fine, and the expenses of safe keeping and sale; and the surplus if any, to be paid into the hands of the Chamberlain of the City, and shall be applied to the use of the Corporation, unless the same be claimed by the proprietor within six months from such sale. The Basin Master shall, in consideration of duties herein required to be performed by him, receive a salary of one hundred dollars per annum, to be paid quarter-yearly by the Chamberlain out of the funds of the City.

10. *And be it further Ordained,* That it shall be the duty of every person or persons employed in and about the repairing of any roof, parapet wall, or chimney of any house or houses, situated on a Street, Lane, or Alley within the City, to place such sufficient barrier or barriers as effectually to warn foot passengers against passing under the roof, wall, or chimney, so undergoing repairs; and any workman or workmen neglecting the provisions of this Ordinance, shall, upon conviction thereof before any Magistrate of this City, forfeit and pay the sum of six dollars, if free, and if a slave, shall, upon conviction thereof in like manner, receive twenty lashes.

11. *And be it further Ordained,* That if any person or persons shall intentionally roll any hogshead or hogsheads, down the Basin bank and into or through any Street, Square, Lane or Alley in the City, he or they shall, upon conviction before any Magistrate of the said City, forfeit and pay the sum of six dollars and sixty-six cents, if free, and if a slave, shall receive twenty-five lashes. And it shall moreover be the duty of the Basin Master, or any Deputy of Police, upon summons issued by any Magistrate of the City, if the person or persons so offending be free, and if otherwise, upon Warrant issued in like manner, to arrest any person or persons so offending, and to take them before a Magistrate that they may be proceeded against according to the provisions of this Ordinance..

12. *And be it further Ordained*, That no person shall raise or fly any Kite, or play at Ball, Bandy, Quoits, or throw stones, or other missiles; or discharge Arrows, from any Bow or Cross-Bow, in any Lane, Street, Alley or Highway within the City, nor throw stones or other missiles, nor run foot races, nor play at any sport or play whatsoever, in and upon the Public Square of the same, or on the Yard of the City Hall, under the penalty of three dollars for each offence; and, if the offender be an infant, the penalty shall be paid by his or her parent, master or guardian; and, if the offender be a slave, he shall be punished by stripes, not exceeding fifteen for the first offence, and twenty for the second.

13. *And be it further Ordained*, That it shall not be lawful for any person or persons to fire or discharge any Gun, Pistol, Fowling-Piece or Fire-Arms, or to make any other unusual noise within the limits of this City, whereby the inhabitants thereof may be alarmed, except in cases of necessity or in the performance of some public and lawful act of duty, nor to discharge or set-off any Rocket, Cracker, Torpedo, Squib or Balloon, containing any substance in a state of combustion, or other Fire-works within the said City; without permission first had and obtained in writing, from the Mayor of the City, under the penalty of six dollars and sixty-six cents for each offence, if free; and if the offender be an infant, the penalty shall be paid by his, or her parent, master or guardian; and if a slave, upon conviction before any Magistrate of this City, shall receive twenty lashes. *Provided always*, That nothing in this section shall be construed to extend to any Military exercises or reviews.

14. *And be it further Ordained*, That no person shall sell or expose for sale in this City, any Crackers, Squibs or Torpedoes, or other Fire-works of what nature or description soever, except in packages containing each, at least one thousand, under the penalty of five dollars for each offence.

15. *And be it further Ordained*, That whosoever shall burn, within the distance of two hundred feet of any Dwelling House, without the permission of the owner or tenant thereof, any Lime Kiln, or any other Kiln in the City, shall forfeit and pay six dollars, for every hour the same shall be burning; to be recovered with costs, by Warrant: *Provided however*, That nothing herein contained shall be construed, to prevent any person or persons, from burning Bricks in any Kiln or Kilns now erected in this City.

16. *And be it further Ordained*, That upon complaint being made to any City Magistrate, that any person or persons, have in their house, cellar, or lot, any putrid water, offensive provisions, or other substances, it shall be lawful for the said Magistrate to issue his Warrant to any three free-holders, authorising them to inspect the house, cellar, or lot, of such person or persons, and if on inspection, it shall be the opinion of a majority of the said free-holders, that the complaint is well founded, and the person or persons, shall fail to remove the nuisance complained of, within twenty-four hours, or shall refuse to permit the said free-holders to make such inspection, he or she shall forfeit and pay six dollars and sixty-six cents for each twenty-four hours the same shall remain, or the refusal, continue to be made.

17. And whereas from the increased population of the City, nuisances have occurred and may occur by Necessary Houses being placed in such situations as to become extremely offensive to the Citizens: *Be it therefore Ordained*, That on complaint being made, by one or more inhabitants, of any lot or neighbourhood, before any Magistrate, of the existence of any such nuisance, he may issue a Warrant to any three free-holders of good character, authorising them to inspect the condition of such necessary house, and if on inspection, it shall be the opinion of a majority of the said free-holders, that the complaint is well founded, and the owner or tenant of the lot whereon the said necessary house shall be, shall fail to remove the nuisance complained of within twenty-four hours, or shall refuse to permit the said free-holders to make such inspection, he or she shall forfeit and pay six dollars and sixty-six cents, for each twenty-four hours the same shall remain, or the refusal, continue to be made.

18. No person being a slave, and living within the City, shall hereafter, be permitted to sell, or expose for sale, within the same, any Oysters, Cakes, Pies, Fruits, or other eatables, or provisions whatever; and every slave offending herein, in case his or her owner, doth not reside within the City, shall receive such a number of stripes, on his or her bare back, as a Magistrate shall direct, not exceeding ten, for every offence, unless he or she or some other person for him or her, shall pay down a fine of two dollars for the said offence; and in case the owner of the slave so offending, shall reside within the City, and have knowledge of the offence, he or she, shall pay a fine of three dollars for every such offence, to be recovered as in other cases of fines; and, in that case, the slave shall be exempt from the punishment before provided.

19. Any person who shall, within the Streets, Lanes, or Alleys of the City, sell or expose for sale, any Oysters, Cakes, Fruits, Pies, or other eatables or provisions, (raw Fish excepted,) without a license first obtained from the Mayor, for which he or she shall pay the Chamberlain five dollars per annum, shall forfeit, for the benefit of the City, the article or articles so offered for sale, if the same be not actually sold, and in case of sale, shall pay a fine of thrice the amount given, or agreed to be given, for such article or articles, in case by that sale such fine shall not exceed six dollars and sixty-six cents; and where at that rate it would exceed six dollars and sixty-six cents, then that sum only shall be imposed: *Provided however*, That nothing herein contained, shall prevent Country people, at such times as the Public Market may not be open, from offering for sale, or selling in the Streets, Lanes, or Alleys, any fruit or raw provisions, or from selling therein from their Carts, Oysters, at any time, nor to prohibit any person at such times, from selling culinary vegetables.

20. That no person or persons whatsoever, shall, in future, be permitted to carry on the business or calling of Soap Boiler or Tallow Chandler, within the bounds of the City of Richmond, without permission first had and obtained from the Common Hall, which may be revoked at any time; and any person or persons who shall carry on the business or calling of either of those occupations, without such permission, shall forfeit and pay six dollars and sixty-six cents, for every twenty-four hours that he or they shall be so employed.

21. *And be it further Ordained*, That it shall be the duty of the Mayor, at least thrice in each week, to explore, in person, with one of the Deputies of Police, and as much oftener as may be practicable, and one of the said Deputies on each day, all the Streets, Lanes, and Alleys, within this City, and to give information and prosecute for the penalties incurred by the infraction of all Ordinances or Laws which now are, or may hereafter be in force; and to endeavour by all legal means, to enforce the same, and to restrain the practice of negroes going at large; to carry into effect, the several Acts of the General Assembly of Virginia, concerning Free Negroes and Mulattoes, and such other Acts as in any wise relate to the Police of this City. To do and perform such duties for preserving peace and good order, especially on Sundays; and enforcing all Police Regulations, as now are, or may hereafter be directed by any Ordinance passed by the Common Hall of this City: and daily, on each morning, to attend

at the City Cage and direct the punishment or discharge of such persons as may be there confined, and in relation to whose cases he may be authorised to decide finally. And it shall be the duty of one of the Deputies of Police, to attend every meeting of the Common Hall: *Provided*, nothing herein contained, shall be so construed as to exempt the Basin Master from performing the duties required of him.

22. *And be it further Ordained*, That the Mayor shall have the power, to appoint sixteen able bodied and discreet men, who shall reside within the City, to act as Night Watch, under the regulations and restrictions hereinafter prescribed. Each Watchman so appointed, shall be entitled to receive for his services, eighty-seven and a half cents per night, payable monthly, by the Chamberlain, as is hereinafter directed; and an allowance equal to half the amount stipulated to be paid as aforesaid to the members of the Watch, shall be made to each of the said Watchmen when prevented from doing duty by sickness: provided, that such allowance shall not be extended beyond one month, nor shall it be made unless such sickness is shown by the certificate of some practising Physician. The number of the Night Watch may be increased not exceeding twenty by the Mayor, whensoever in his opinion it may be necessary to do so: *Provided*, That the Mayor shall forthwith report the extent of such increase and the causes therefor, and the same shall not continue longer than one month without the approbation of the Hall.

23. *And be it further Ordained*, That the Common Hall shall hereafter annually, at their Stated Meeting in the month of May, appoint two fit and proper persons to act as First and Second Officers of the Night Watch, to be paid monthly; who, before they enter upon the duties of their office, shall take an oath before the Mayor, or some other Magistrate of the City, faithfully to execute the duties of their office; the certificate of which oath, shall be filed with the Clerk of the Common Hall.

24. *And be it further Ordained*, That the Officers of the Night Watch shall receive the following salaries, to wit: the First Officer shall receive six hundred dollars per annum payable as aforesaid, and the Second Officer five hundred dollars per annum payable in like manner.

25. *And be it further Ordained,* That the Mayor shall divide the City into so many Watch Districts as he may think best, from time to time; the First Officer of the Watch, shall allot the Watchmen to such districts by his order, in writing, and he shall keep a book containing a description of the districts, and enter therein, each night when he sets the Watch, the names of the Watchmen allotted to each district, note the absentees, hire substitutes for those who may be absent, grant furloughs, (subject to the control of the Mayor,) call the roll, and set the Watch, keep the key of the Watch-House during the day, and make return of his proceedings (each succeeding night on which he shall be on duty) to the Mayor. The First Officer shall be considered on duty each alternate night, and shall see that the Watchmen perform the duty required of them, by this or any other Ordinance of the Common Hall, and shall occasionally take the rounds through the City, or such part thereof, as he can during Watch hours, and note such Watchman or Watchmen, as shall be remiss in his or their duty. The Second Officer shall be considered on duty each night succeeding the one upon which the First Officer shall have been upon duty, and with the exception of calling the roll, setting the Watch, hiring of substitutes, and granting furloughs, shall perform the same duties, and have the same powers and authority as are herein allotted and prescribed to the said First Officer. And it shall moreover be the duty of the said Second Officer, whenever his presence shall be required by the First Officer, on extraordinary occasions, although it shall not happen to be his regular night, to give his personal attendance. In case of absence of the said Second Officer, occasioned by sickness or other disability, the First Officer shall have power, and is hereby authorised to employ a substitute, (to be approved by the Mayor,) who shall perform the duties of the Second Officer. The First and Second Officers may be removed for misconduct, from office, by the Mayor; such removal being approved by the Common Hall. And any Watchman or Watchmen who shall be guilty of disobedience or misbehaviour, shall be removable at the discretion of the First Officer.

26. This Ordinance shall commence and be in force, from and after the passing thereof.

CHAP. XXVII.

An Ordinance, to amend an Ordinance, entitled, "An Ordinance reducing into one, the several Ordinances for regulating the Public Markets in the City of Richmond."

[Passed June 14, 1830.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby ordained by the authority of the same,* That the twenty-first section of the Ordinance reducing into one the several Ordinances for regulating the Public Markets in the City of Richmond, passed August 24th, 1829, (a) be and the same is hereby repealed.

2. *Be it further Ordained,* That the Clerk of the *Old Market* (b), shall have power to contract with some proper person to water, sweep and clean the said Market-house, and the Streets and Alley adjoining; to keep the Lamps in said Market in order, and to light them at such times, as he may be required; and also, to white-wash the inside of the Market-house, twice a year, under the direction of the Committee of Markets, who shall have power to draw on the Chamberlain, quarterly, for two hundred dollars *per annum*, for his services; *provided*, they are satisfied the duties have been faithfully performed.

3. *Be it further Ordained,* That the person employed by the Clerk of the *Shockoe Hill Market*, to sweep, keep clean and White-wash that Market, shall, in lieu of the allowance now authorised, be entitled to receive the sum of seventy-five dollars.

(a) See *Ante*, p. 110. (b) The Market, on E and 17th Streets.

 CHAP. XXVIII.

An Ordinance, prescribing the time for paying the Salary of the City Assessor.

[Passed June 14, 1830.]

1. *BE it Ordained by the President and Members of the Common Council of the City of Richmond in Common Hall assembled, and it is hereby ordained by the authority of the same,* That the salary allowed to the *City Assessor*, shall be paid to him in the

following manner: one moiety on the first day of July, and the other moiety on the first day of January, in each year. *Provided however,* That no part of the said salary shall be paid to the said Assessor, until all the duties of his office for the current year, shall have been completely performed, and the same certified by the Chamberlain.

2. All Ordinances and parts of Ordinances coming within the purview of this Ordinance, shall be and the same are hereby repealed.

3. This Ordinance shall commence and be in force, from and after the passing thereof. (a)

CHAP. XXIX.

An Ordinance, to prevent Swine, Dogs, and Goats running at large in the City of Richmond.

[Passed June 25, 1830.*]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby ordained by the authority of the same,* That it shall not be lawful for any hogs, shoats or pigs, dogs or bitches, to go or run at large in any Street, Lane, Alley or uninclosed place or lot, within the City of Richmond, except in the manner and under the restrictions hereinafter provided.

2. *And be it further Ordained,* That every hog, shoat, or pig, which shall be found at large in any street, lane, alley or uninclosed place or lot withing the City, shall be deemed forfeited to the use of the Corporation of said City.

3. *And be it further Ordained,* That it shall be the duty of the Mayor, to cause to be taken up and secured, every hog, shoat, and pig, dog or bitch, that may be found at large contrary to the provisions of this Ordinance, in any street, lane, alley or uninclosed place or lot within the City. And in order to carry into full effect, the provisions of this section, it shall be the duty of the Mayor, to direct

(a) See *Ante*, p. 69, sec. 5. * See *Ante*, p. 5, sec. 5.

six of the City carts and horses, and as many of the City hands as he may deem necessary, furnished with the proper fixtures and apparatus, at least twice in every month, to proceed through each Ward of the City, two carts at the least being in each Ward at the same time; and to take up and secure every *hog, shoat or pig, dog or bitch*, found running at large unlawfully within the City, to be disposed of in the manner hereinafter prescribed.

4. *And be it further Ordained*, That it shall be the duty of one of the Deputies of Police to accompany the said carts in each Ward; and, if any person or persons, shall attempt to rescue any *hog, shoat or pig*, or any *dog or bitch* going at large, contrary to the provisions of this Ordinance, after the same shall have been taken up, or shall obstruct or endeavour to obstruct, drive away, or prevent the arrest thereof, he, she, or they so offending, shall forfeit and pay the sum of two dollars if free, to be recovered by Warrant before the Mayor, Recorder or any Alderman of the said City, and if a slave, shall, upon conviction, receive ten lashes, unless some one for him or her will pay the fine aforesaid.*

5. *And be it further Ordained*, That it shall be the duty of the Mayor, to cause to be sold at Auction to the highest bidder, at the Market House on E and 17th Streets, during Market hours, on the morning succeeding their apprehension, every *hog, shoat and pig*, that shall be taken up and secured in pursuance of this Ordinance; and the nett proceeds of sale (after deducting the necessary expenses attendant on the execution hereof) shall be paid to the Chamberlain for the use of the City.

**An Act, providing against the mischief of Mad Dogs.*

[Passed January 20, 1829.]

1. *BE it enacted by the General Assembly*, That any Magistrate, having sufficient proof that any dog has been bitten by a mad dog, may, and he is hereby required to order the same to be killed by a Constable, or any other person: and, if the owner of any such dog or dogs, shall conceal the same, or cause the same to be concealed, so that the order of the Magistrate cannot be executed, such owner shall be liable to a fine of two dollars on each dog, for every day such dog or dogs shall remain concealed; which fine shall be recovered by Warrant before a Magistrate, and applied to lessening the County levy.

2. This act shall commence and be in force from and after the passing thereof.

6. *And be it Ordained by the authority aforesaid,* That it shall not be lawful for any person to permit his or her *dog* or *bitch*, to go at large within the public streets and alleys of this City, at any time between sun-rise and nine o'clock at night, unless the same shall have a collar round its neck with the name and residence of the owner inscribed on it, and also, be accompanied by the owner thereof, by his or her servant, or by some person authorised by him or her.

7. *And be it further Ordained,* That if any person shall permit his or her *dog* or *bitch* to go at large, unless as aforesaid, he or she shall forfeit and pay for every such offence, two dollars, to be recovered by Warrant before the Mayor, Recorder or any Alderman of this City: *Provided however,* That if in any case, it shall appear that such *dog* or *bitch* going at large, was accidental and without the default of the master, no fine shall be inflicted.

8. *And be it further Ordained,* That every *dog* or *bitch*, found at large, unless as above prescribed, or unless redeemed as is hereinafter directed, shall, after being secured as aforesaid, be conveyed, under the direction of the Deputy or Deputies of Police accompanying the same, to some place, at least five hundred yards beyond the boundaries of the City, and there put to death and buried.

9. *And be it further Ordained,* That every owner of a *dog* or *bitch* within this City, shall put on the neck of such *dog* or *bitch* within thirteen days from the passage of this Ordinance, a collar with the owner's name, and the street in which he lives plainly inscribed thereon. And if any *dog* or *bitch*, on which a collar shall be placed as aforesaid, shall be taken going at large as aforesaid, and the owner thereof shall be desirous to redeem such *dog* or *bitch*, he shall be allowed to do so, upon paying to the Mayor, or one of the Deputies of Police, one dollar. And if the owner of any *dog* or *bitch*, not having a collar as aforesaid, and which shall be taken going at large as aforesaid, shall be desirous to redeem the same, he or she shall be permitted to do so, by paying to the Mayor or one of the Deputies of Police, two dollars. *Provided always,* That no *dog* or *bitch* so taken as aforesaid, shall be redeemable except at the place to which it was intended to be taken for execution, (those belonging to strangers excepted:) nor shall any execution take place until after sun-set of each day on which the said dogs or bitches shall be apprehended.

10. *And be it further Ordained*, That whenever any fine or forfeiture shall be incurred by the going at large, of any *dog* or *bitch* as aforesaid, the occupier of the tenement to which such *dog* or *bitch* shall belong, or which it shall frequent, shall be deemed and considered the owner of such *dog* or *bitch* within the meaning of this Ordinance.

11. *And be it further Ordained*, That nothing in this Ordinance contained, shall be construed to prevent any owner of a *dog* or *bitch*, from carrying the same through the public streets and alleys, in going from, passing through, or returning to the City: and that no stranger visiting this City with his or her *dog* or *bitch*, shall be subject to the foregoing penalties of this Ordinance, for two days after his or her arrival.

12. *And be it Ordained by the authority aforesaid*, That the Mayor be and he is hereby authorised, empowered and required, to employ at the expense of the City, suitable persons to entrap and impound all *goats* or *kids* which may be found going at large within the limits of this City, and cause the same to be sold, as is herein before directed concerning *hogs*, *shoats* and *pigs*, found at large.

13. *And be it further Ordained*, That all fines and forfeitures and all monies received under the provisions of this Ordinance, shall be paid by the Mayor to the Chamberlain, for the use of the City. And the Mayor is hereby authorised to draw on the Chamberlain, for all such sums as shall be necessary in the execution of the duties hereby imposed on him.

14. And it shall moreover be lawful for the different Police Officers, at all times, other than those hereby appointed, to arrest all such *hogs*, *shoats* or *pigs*, *dogs*, *bitches*, *goats* or *kids*, subject to the regulations contained in this Ordinance; and for every *hog*, *shoat* or *pig*, *dog*, *bitch*, *goat* or *kid*, so taken, the Officer shall receive fifty cents, to be paid from the fund produced by the fines inflicted by this Ordinance.

15. All Ordinances and parts of Ordinances coming within the purview of this Ordinance, shall be and the same are hereby repealed.

16. This Ordinance shall commence and be in force from and after the passing thereof.

CHAP. XXX.

An Ordinance, amending an Ordinance, entitled, "An Ordinance, concerning Theatres and Public Shows and Exhibitions, within the City of Richmond." (a)

[Passed December 13, 1830.]

1. *BE it Ordained by the President and Common Council of the City of Richmond, and it is hereby Ordained by the authority of the same, That hereafter, no tax shall be paid for a license to exhibit any Painting or Sculpture, or any model illustrating any useful or valuable invention or improvement in Mechanics, Manufactures, Agriculture and the like. Provided, however, That if any person or persons shall, under any pretext whatever, for his, her or their gain, exhibit any thing not strictly connected with the Fine Arts, or with the purposes hereinbefore specified, such person or persons shall, upon conviction thereof before the Mayor or any Alderman of the said City, be liable to pay a fine of six dollars and sixty-six cents for every day or night he, she or they shall have exhibited the same, contrary to the provisions of this Ordinance: And provided moreover, That all the other provisions of the said Ordinance concerning Theatres, Public Shows and Exhibitions within the City of Richmond, shall remain and be in force, to all intents and purposes, as if this Ordinance had not been passed.*

2. *Be it further Ordained, That nothing in the foregoing section contained, shall be construed to supersede the necessity of any person or persons obtaining from the Mayor a license to exhibit any Painting or Sculpture, or any model illustrating any useful or valuable invention or improvement as aforesaid, which license shall be issued by the Chamberlain.*

3. *This Ordinance shall commence and be in force, from and after the passage thereof.*

(a) *Ante, p p. 75, 76.*

CHAP. XXXI.

An Ordinance, regulating the storage of Quick-lime within the City of Richmond.

[Passed January 10, 1831.]

1. *BE it Ordained by the President and Common Council of the City of Richmond in Common Hall assembled, and it is hereby Ordained by the authority of the same,* That it shall not hereafter be allowed to any person to store any Quick-lime in any house or shed which shall be within one hundred feet of any house within this City, until he, she or they shall have first obtained a written permission to that effect from the Mayor, whose duty it shall be to issue a Warrant under his hand and seal, directed to three respectable and discreet freeholders of said City, to examine the premises, and to refuse his permission if they shall deem it dangerous to grant the same; and if any person or persons shall deposit or store any Quick-lime contrary to the provisions of this Ordinance, he, she or they shall be liable to pay a fine not exceeding six dollars and sixty-six cents, and also, a sum not exceeding two dollars for each hour the same shall continue so stored.

2. *And be it further Ordained,* That upon complaint being made to the Mayor that any lime has already been stored contrary to the provisions of this Ordinance, he shall issue a Warrant as aforesaid, directed to three respectable and discreet freeholders of said City, to examine the premises; and, if in their opinion, its continuance will be attended with danger, it shall be the duty of the Mayor to give notice to the proprietor or proprietors, occupant or occupants of the building, to remove the said lime, which notice shall be in writing; and, upon the failure of such proprietor or proprietors, occupant or occupants, to remove the same within twenty-four hours, he, she or they shall be liable to pay a fine of six dollars and sixty-six cents, and also, a sum not exceeding two dollars for each hour it shall remain thereafter. The fines imposed by this Ordinance, shall be recoverable by Warrant before the Mayor, Recorder or any Alderman of this City, in like manner as other fines are recovered for infractions of the Ordinances of this City.

3. This Ordinance shall be in force from and after the passage thereof.

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