

ORDINANCES
OF THE
Corporation of Fredericksburg,
AND THE
ACTS OF ASSEMBLY
RELATING THERETO.

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ACT OF INCORPORATION
ACT I.--CHAP. I.

An Act, entitled an Act for Incorporating the Town of Fredericksburg, in the County of Spotsylvania.

Be it enacted, That it shall be lawful for the Freeholders and Housekeepers, who shall have been resident in the said town three months next preceding such election, to meet in some convenient place in the said town annually, on the third Monday in March, and then and there nominate and elect by ballot twelve fit and able men, being freeholders and inhabitants of the town, to serve as Mayor, Recorder, Aldermen and Common-Councilmen for the same; and the persons so elected shall, within one week after their election, proceed to choose by ballot out of their own body, one Mayor, one Recorder, and four Aldermen, and the remaining six shall be Common-Councilmen, whose several authorities as Mayor, Recorder, Aldermen and Common-Councilmen, shall continue until the third Monday in March in the year succeeding, and until others shall be qualified in their stead and no longer, unless where elected. That the Mayor, Recorder, Aldermen and Common-Councilmen, so elected, and their successors, shall, and are hereby made a Body corporate and politic, by the name of Mayor and Commonalty of the Town of Fredericksburg, and by that name to have perpetual succession, with capacity to purchase, receive and possess lands and tenements, goods and chattels, either in fee

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or any lesser estate therein, and the same to give, grant, let, sell or assign again, and to plea and be impleaded, prosecute and defend all causes and complaints, actions real and personal or mixt, to have one common seal and perpetual succession. That the person who shall be first elected Mayor of the said town, shall, within one week after his election, take an oath, or make solemn affirmation before a Justice of the quorum in the commission of the peace for the said county of Spotsylvania, for the due and faithful execution of his office; and every succeeding Mayor shall be qualified to his office before the Mayor for the time being; and every Recorder, Alderman, and Common-Councilman, shall take the like oath, or make the like affirmation with respect to their office, before the Mayor for the time being; but no person shall hold the office of Mayor for more than one year in any two years: *Provided nevertheless,* where a vacancy shall have happened in the office of Mayor within the year, the person elected for the remainder of that year, may be elected again at the next general election, and until another shall be elected and qualified in his stead.

And be it enacted, That the Mayor, Recorder, and Aldermen for the time being, are hereby declared and constituted Justices of the Peace within the limits of the said town; which limits shall extend to low-water mark on the north-west side of Rappahannock river, and half a mile without and around the other limits of the said town, and have the like jurisdiction in all cases whatsoever originating within the limits aforesaid, as the Justices of the County Court within this State now have – That the Mayor, Recorder and Aldermen, or any four of them (the Mayor or Recorder being one,) shall have power to hold a Court of Hustings on the third Monday in every month, and hold pleas in all cases

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whatsoever, originating within the limits before described, in the same manner as the county courts may do: To have the sole power of licensing Tavern-keepers, and settling their rates—to appoint a Sergeant, who shall have the power of a sheriff, constable, and other necessary officers of court, and Surveyors of the streets and highways—and to settle and allow reasonable fees allowed the like officers in the county courts: *Provided,* That the said officers shall take an oath of office before the said Court of Hustings, before they shall be allowed to act; and that the Sergeant shall moreover give bond and security for the due performance of his office; which bond shall be made payable to the Mayor for the time being, and his successors, and may be put in suit by the party grieved, in like manner as sheriff's bonds: And, provided always, that in civil cases-the Court of Hustings shall not

have jurisdiction where the demand shall exceed one thousand pounds of crop tobacco, or the value thereof in money at the time of entering the action, unless both parties, shall be inhabitants of the town at the tune of suing out the first process in the suit.

And be it further enacted, That the Mayor, Recorder, Aldermen and Common-Councilmen, shall have power to erect work-houses, houses of correction, prisons, and other public buildings for the benefit of the town, and to make by-laws and ordinances for the regulation and good government of the said town, and to assess the inhabitants and all property within the actual bounds of the said town for the charges of repairing the streets: *Provided,* that such by-laws and ordinances, shall not be repugnant to, or inconsistent with, the laws and constitution of this commonwealth. And the Mayor, Recorder, Aldermen and Common-Councilmen, shall have power to hold and keep within the said town, two market days, (the one on Wednesday, the other on Saturday,)

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in every week, and from time to time appoint a clerk of the market, who shall have assize of bread, wine, wood and other things, and generally to do and perform all things belonging to the office of the clerk of the office within the said town.

And every person to be elected to any office as aforesaid, and refusing to undertake and execute the same, shall pay the fines following, that is to say: the Mayor fifty pounds, Recorder forty pounds, Aldermen thirty pounds, Common-Councilmen twenty-five pounds, Sergeant one hundred pounds, Constable fifty pounds, Clerk of the Hustings court and Clerk of the Market, each fifty pounds; Surveyors of the streets or roads, thirty pounds each; to be imposed by the judgment of the said court of Hustings for the use of the town, and levied by execution against the goods and chattels of the offender. And in case of misconduct in the office of Mayor, Recorder, Aldermen and Common-Councilmen, or either of them, the others, being seven at least, shall have power to remove the offender; and as to all other officers, the power first appointing, shall or may at pleasure revoke. And in case of vacancy in the office of Mayor, Recorder, Aldermen, and Common-Councilmen, the vacancy shall be filled up in the following manner The Recorder shall succeed the Mayor; the eldest Alderman the Recorder, and so on according to priority, to be reckoned by the number of votes at the last election; and if a vacancy shall happen among the Common Councilmen, his place shall be filled from the body of the freeholders within the town, by ballot of the Mayor, Recorder, Aldermen and Common-Councilmen.

And be it further enacted, That the Mayor, Recorder, and two of the Aldermen, shall have power so often as they find occasion, to summon a council of the said town, which shall consist of the Mayor, Recorder, two Aldermen,

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and four Common-Councilmen at least; that no law, order, or regulation shall be binding and valid, nor shall the same be revoked or altered, or fine imposed for a breach thereof, unless seven members concur therein.

And be it further enacted, That all the property, real and personal. now held and possessed by the Trustees of the said town of Fredericksburg, in law or equity, or in trust, for the use and benefit of the inhabitants thereof, and particularly the charitable donation of Archibald McPherson, deceased, now vested in the trustees of the said town, in trust for the education of poor children, shall be, and the same are hereby transferred and vested in the Mayor and Commonalty of the said town, to and for the same uses, intents and purposes, as the trustees of the said town now hold the same, any former law, or any clause or devise in the said Archibald McPherson's will to the contrary notwithstanding. And in all courts of law and equity, this act shall be construed, taken and held most beneficially and favourably for the said Corporation.—Passed, Session 1781.

CHAPTER 2.

An Amendatory act.

And be it further enacted, That the jurisdiction of the Court of Hustings in the town of Fredericksburg, shall extend one mile without and around the former limits of the said town on the south side of Rappahannock river, and shall have power to hold pleas in all cases originating within the limits before described, in like manner and under such limitations as are directed and prescribed by the act for incorporating the said town.—That the Court of Hustings in the said town of Fredericksburg, shall be and is hereby constituted a Court of

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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:—*Provided always, and be it further enacted,* That no will shall be admitted to proof or record in the said court; nor shall the said court grant administration, unless the testator or intestate, as the case may be, was resident within the limits of the jurisdiction of the said court 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 court, unless such lands lie within the limits as aforesaid. The said court shall have power to appoint a person skilled in the law to prosecute therein for the commonwealth, and to allow him a reasonable salary for his services, to be levied annually by the corporation on the inhabitants within the limits of the said town, and that the said inhabitants shall hereafter be exempted from contributing towards paying any part of the salary of the attorney for the commonwealth in the court of the said county of Spotsylvania.—Passed, Session 1782.

CHAPTER 3.

An act concerning the Election of Members of the Court of Hustings and Common Hall of Fredericksburg.—Passed, December 24th, 1806.

Be it enacted by the General Assembly, That on the day appointed by law for the next annual election of members of the Common Hall of the town of Fredericksburg, the persons qualified by law to vote for the same, shall assemble and elect by ballot eight persons to act as Justices of the Peace for the said town, who shall continue in office during good behaviour; any three of whom shall have power to hold a Court of Hustings at the same time and under the same regulations as are

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now prescribed by law, except in cases of courts for the examination of, or trial of free persons or slaves charged with felonies, in which cases five of the Justices aforesaid shall be requisite to constitute a court. The said court to have the same powers and jurisdiction as heretofore, and the said Justices to have the same rights and powers as were heretofore granted by law to the Mayor, Recorder and Aldermen of the said town; with this restriction, however, that they shall not act as members of the Common Hall, nor be authorised to lay any tax for the support of a watch.

And be it further enacted, That on the day aforesaid, and on the same day in every year thereafter, the persons qualified to vote as before-mentioned, shall elect in manner aforesaid, twelve persons to act as Common Councilmen of the said town, who may continue in office until the next annual election of Common Councilmen, and until others shall be qualified in their stead, and shall have and exercise all the powers and duties heretofore granted to, and exercised by the Mayor, Recorder, Aldermen and Common-Councilmen of the said town, in Common Hall assembled.

The Common Councilmen of the said town in Common Hall assembled, shall elect one of its members to act as Mayor, and another as Recorder. The Mayor shall preside at its meetings, and sign the proceedings thereof; and when from any cause he shall be absent, the Recorder shall preside in his stead.

The Mayor, or in his absence the Recorder, or any two members of the Common Hall, shall have power so often as they find occasion, to summon a Common Hall of the said town. In future, seven members shall be sufficient to hold a meeting of the Common Hall.

Vacancies which may happen in the court of the said town, shall be supplied in the same manner that such

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vacancies in the county courts are supplied; and vacancies which may happen in the Common Hall, shall be supplied as heretofore.

The qualifications which entitle persons to vote for, or be elected, members of the Court of Hustings or Common Hall, shall remain unaltered by this act.

This act shall be in force from and after the first day of March next.

CHAPTER 4.

An act to amend the Charter of the Corporation of Fredericksburg.—Passed 5th March, 1821.

WHEREAS it appears there are great defects and imperfections in the original act incorporating the Town of Fredericksburg, and the several acts amendatory thereof; for remedy whereof—

Be it enacted by the General Assembly, That the Mayor of the said town, shall annually be appointed the mode now prescribed by law, except that he may be chosen either from the Council, or from the body of the Citizens; and when he shall be taken from the Council, the vacancy occasioned thereby shall be filled by the Council. The said Mayor shall be re-eligible from year to year, without limitation, shall keep an office in the said Town for the transaction of business, and shall be the keeper of the Seal of the Corporation; he shall, at all times, when the Hustings Court shall not be in session, perform the duties of a Justice of the Peace; those duties may nevertheless be discharged by any other Justice of the said Corporation. The said Mayor shall moreover have the superintendence and control of the Officers, of Police, and the Night Watch, according to the laws and ordinances now in force, or which may hereafter be enacted by the Council.

Be it further enacted, That if the person, who may be

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appointed Mayor, pursuant to the foregoing section, shall omit, or fail, from any cause, to qualify to his appointment for the space of ten days after his election; or if, after his election, he shall die, or resign, then and in all such events, the said Council may, and it is hereby declared to be their duty, as soon thereafter as they may think fit, to elect some other person in his stead, and may so proceed to make a new election from time to time, whenever for the causes aforesaid, or any one of them, it shall become necessary.

And be it further enacted, That when, from sickness or other cause, the said Mayor shall be unable to perform the duties of his office, or in case of his unavoidable absence from Town, his duties shall devolve upon, and be discharged by the Recorder, who shall in such cases possess and exercise all the powers and authority of the Mayor.

And be it further enacted, That the Mayor shall henceforth receive for his services a compensation to be fixed by the Common Council, which shall not be increased or diminished during the time for which he shall be elected to office, which shall be paid out of the funds of the Corporation, in aid of which a tax may be imposed on his official acts.

Be it further enacted, That the Court of Hustings of the said Corporation, shall remain as it is now constituted by law, except that the said Mayor shall preside in the said Court, and in his absence the Recorder.—The said Court shall have complete jurisdiction to high water mark on the opposite side of Rappahannock River; and in all respects the jurisdiction shall remain as heretofore.

And be it further enacted, That the Citizens of the said Town shall hereafter be exempted from the payment levies to the County of Spotsylvania.

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And be it further enacted, That the Mayor, Recorder and Common Council, shall have full power, and they are hereby authorised, to assess a tax on the inhabitants and property within the actual limits of the said Town, for the purpose of repairing streets, and such other expenses and charges, as to them may seem necessary and proper, and for the improvement, convenience, and well being of the Town.

And be it further enacted, That it shall be the duty of the said Mayor, Recorder and Common Council, and they are hereby authorised and empowered, to provide a sufficient Night-Watch, for the protection and safety of the said Town; and, for the better execution of this duty, the power and authority now exercised by field officers of the militia, concerning patrols, shall hereafter be vested in, and exercised by, the said Mayor, Recorder and Common Council, over the Militia of the said Town, who shall hereafter be exempt from patrol duty beyond the limits of the Corporation.

And whereas the true location of the streets of the said Town, has become uncertain from the want of permanent marks, ascertaining the boundary thereof—

Be at therefore enacted, That John W. Green, John Mundell, George Cox, Silas Wood and David Briggs, be appointed Commissioners, any three of whom may act, for the purpose of surveying and locating the streets of the said Town according to existing laws, and such authentic ancient surveys as may have been made pursuant to law.

It shall be the duty of said Commissioners to ascertain and locate the said streets by metes and bounds, making such alterations therein as they may find expedient, with the assent of the proprietors of lots and lands, which may be affected by such alteration, but not other wise; and to mark the boundaries, of the streets

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by stones, or other permanent limits; and to report a plan thereof, and of the Town, with the lots properly numbered, with explanatory notes, to the Mayor, Recorder, and Common Council of the said Town; which, if approved by them, shall forever thenceforth be taken as the authentic plan of the said Town, and be binding on all persons whatsoever; but if in making such survey, it shall be found that any house has been built wholly or in part on any street, such house shall not be considered as a nuisance, or illegal obstruction of such street; but, if such house shall at any time perish or be destroyed, it shall not be again rebuilt so as to encroach upon, or obstruct such street.

And be it further enacted, That all acts, and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

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

CHAPTER 5.

An act concerning the Corporation of Fredericksburg.

(Passed February 11th, 1829)

Be it enacted, That hereafter it shall be lawful for the Mayor and Recorder of the said Town, to take the oaths of office before any Judge of the General Court, or Justice of the Peace, who shall certify the same to the Hustings Court of Fredericksburg, to be entered upon the proceeding thereof.

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

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CHAPTER 6.

An Ordinance concerning the Duties of the Mayor.

(Passed 20th, October 1827.)

Be it ordained by the Mayor and Common Council of the Town of Fredericksburg, That it shall be, and is hereby made the duty of the Mayor of said Town—

To see that the Laws of the Corporation be duly executed—

To make himself fully acquainted with the duties of all the subordinate officers of the Corporation, and report the negligence or misconduct of any Officer to the Common Council—

To convene the Common Council whenever in his opinion the good of the community requires it—

To preside and preserve order in the meetings of the Council, and to sign the Minutes of their proceedings—

To lay before the Council from time to time in writing, such alterations in the Laws of the Corporation as he shall deem necessary and proper—

To review the Streets at least once in every fortnight, as well to see that the Police Officer and others do their duty, as to suggest to the proper authorities such improvements or alterations as may be necessary for the comfort of the Citizens, and the preservation of the health of the Town—

To fix the assize of Bread, as often as the variation the price of Flour may render it necessary—

To keep an Office within the limits of the Corporation, in which he may be found every day from 9 until 10 o'clock, A. M.; and as much longer as may be requisite to transact the business which is brought before him—

To keep the Seal of the Corporation, and to render

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annually to the Common Council, a just account of the fees received for affixing the same.

And be it further ordained, That this ordinance shall commence and be in force from and after the passage thereof.

CHAPTER 7.

An Ordinance declaring the Duties of the Clerk of the Council.

(Passed June 23, 1829.)

Be it ordained by the Mayor and Common Council of the Town of Fredericksburg, That it shall be the duty of the Clerk of the Council—

To attend all meetings of the Common Council—keep a correct record of its proceedings, and to sign such record in conjunction with the Mayor—

To draft Ordinances, and to attend to the publication of them when directed to do so—

To attend the annual election for members of the Common Council, and keep a correct record of the votes: and,

To preserve all Accounts, Documents and Papers in relation to the Corporation, and perform all other services usually required of a secretary of a public body.

The annual compensation of the Clerk, shall be fixed by the Council, and paid quarterly out of the funds of the Corporation.

All other Ordinances concerning the duties of the Clerk, are hereby repealed.

This Ordinance shall be in force from the passing thereof.

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CHAPTER 8.

An Ordinance concerning the appointment and Duties of a Chamberlain.

(Passed June 23, 1829.)

Be it ordained by the Mayor and Common Council of the Town of Fredericksburg, That there shall be appointed by the Common Council, annually, in the month of March, or oftener if necessary, a Chamberlain of the Corporation, who, before entering on the duties of his office, shall give bond, in the penalty of \$5,000, with good security, to be approved by the Council, payable to the Mayor and Commonalty of the Town of Fredericksburg, and conditioned for the faithful discharge of the duties of his office; which bond shall be delivered to the Mayor for safe keeping. The Chamberlain shall make oath or affirmation, before the Mayor or some Magistrate of the Corporation, faithfully to perform the duties of his office, and to execute the trust reposed in him, which shall be entered on the minutes of the proceedings of the Council.

And be it further ordained, That the Chamberlain so appointed, shall receive all monies payable to the Corporation for public uses, and shall demand and receive from the Collectors of Taxes, all sums of money received by them for the use of the Corporation. He shall pay such money for such purposes only as the Laws of the Corporation, or the Orders of the Council shall direct. He shall keep in a book, to be provided for that purpose, at public expense, a true and faithful account of all money received by

him for the use of the Corporation, and of the manner in which the same shall have been applied; and shall, on or before the third Monday in March, in every year, or oftener if required, lay before the Council, or a Committee of their body,

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appointed for that purpose, an account of all his receipts and disbursements, with vouchers to support the same. And if the said Chamberlain shall fail to account with, or pay to the Council, or their Committee, or to any Creditor of the Corporation properly authorised to demand the same, any money received by him as Chamberlain, when thereto required, the said Chamberlain and his securities, shall be liable to a judgment, on motion in the name of the Mayor and Commonalty of the Town of Fredericksburg, for the full amount of the money with which he shall be so chargeable—*Provided* ten days previous notice be given to the said Chamberlain and his securities, of the said motion.

And be it further ordained, That the Chamberlain of the Corporation shall hold his office for one year, and until another shall be appointed in his room; but may be removed from office at any time, if the Council shall think there is good cause for so doing.

The annual compensation of the Chamberlain, shall be fixed by the Council, and paid out of the funds of the Corporation.

All other Ordinances concerning the duties of the Chamberlain of the Corporation of Fredericksburg are hereby repealed.

This Ordinance shall be in force from the passing thereof.

CHAPTER 9.

An Ordinance concerning the Duties of the Police Officers.

(Passed October 20, 1827.)

Be it ordained by the Mayor and Common Council of the Town of Fredericksburg, That it shall be, and is hereby made the duty of the Police Officers—

To visit frequently, and as often as may be necessary,

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all the public parts of the Town, and diligently to inspect the same for the detection of nuisances—also, for the detection of obstructions and impediments in the streets and alleys; and all nuisances, obstructions and impediments, when thus detected or otherwise made known to them, they shall cause to be forthwith removed, according to law—

To give information of all offences against the laws of this Corporation, and of the names of the offenders and witnesses—

To superintend the Constables, and report to the Mayor any instance of negligence or misconduct in them, or either of them—

To summon and attend Councils—

To superintend and see to the faithful execution of all contracts made for cleaning, repairing or altering the Streets; and in case of neglect on the part of any Contractor or Contractors, (having first given him or them twenty-four hours notice,) to proceed to do what shall have been neglected, and, by informing the Chamberlain of the same, cause the amount of costs of the work so done, to be withheld from the delinquent contractor or contractors.

It shall further be the duty of the Police Officers, to do and perform such other matters and things, pertaining to their office, as the Mayor shall from time to time legally require of them.

Be it further ordained, that this Ordinance shall commence and be in force from and after the passage thereof.

CHAPTER 10.

An Ordinance concerning the Duties of the Constables.

(Passed October 20, 1827)

Be it ordained by the Mayor and Common Council of the Town of Fredericksburg, That it Shall be, and is hereby

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made the duty of the Constables of this Corporation—

To see that the laws of the State and of this Corporation, are duly observed within the jurisdiction of the said Corporation—to make diligent search for all offenders against the same, and promptly bring them before, or lodge information with, the proper authority, as the case may require, to the end that the said offenders may be dealt with as the law directs—

To prevent riotous or noisy conduct in the Streets, on all occasions; particularly at night, and on the Sabbath—

To execute all precepts to them, or any of them, directed by the Mayor, Recorder, or other Justice of the Peace for this Corporation—

To attend the Saturday evening Market, for the time being, under the direction of the Clerk of the Market, to assist him in the discharge of his duties, by preventing robberies and tumults; and to disperse the people from the said Market, by 9 o'clock, P. M.—

To attend the Mayor while in his office, if required by him to do so; and at all times to discharge any duty that may be required of them by the Mayor, in preserving the Police of the Town, and causing obedience to the Laws of the State, and of the Corporation.

And be it further ordained, That this ordinance shall commence and be in force from and after the passage thereof.

CHAPTER 11.

An Ordinance regulating the Market and concerning the Adjustment of Weights and Measures.

(Passed June 23, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg, That there shall be appointed*

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by them annually in the month of March, a fit and proper person to act as Clerk of the Market; and it shall be the duty of the person so appointed, to have the Market-House kept clean, and due regularity observed; to keep the Scales and Weights in good order, and to be always in market during market hours; to weigh all articles of provision which may be bought and sold in Market without fee or reward; to enforce this act by seizing and selling all articles forfeited under the same, and to use his endeavours to recover all penalties incurred for any violation of the laws in relation to the Market; to make a regular return upon oath, quarterly, to the Clerk of the Council, of all seizures made and how disposed of; and to pay in like manner to the Chamberlain, all fines and penalties by him collected; to visit, from time to time, the several Bake-Houses, and other places where bread is sold, to examine the weight of such as is there exposed to sale, and to seize all which shall not be made according to the regulations then in force.

2. *Be it further ordained, That the person who shall be appointed Clerk of the Market, in pursuance of this Ordinance, shall, before entering upon the duties of his office, take an oath faithfully and impartially, to discharge the same.*

3. *Be it further ordained, That for the convenience of the Country people, there be three Stalls in the Market-House set apart for their use.*

4. *Be it further ordained, That no person shall during the market hours, buy or sell, or offer to buy or sell, any kind of Meat, Poultry, Butter or Eggs, at any place within the Corporation, except at the Market-House, or Market space; and every person offending herein, shall forfeit and pay for every such offence, the sum of Two Dollars, to be recovered by warrant before the Mayor*

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or some other Justice of the Peace of this Corporation; which warrant, it shall be the duty of the Clerk of the Market, or any Constable of the Corporation, to procure and prosecute in the name of the Chamberlain of this Corporation—*Provided*, that nothing herein contained shall be construed to extend to the sale and purchase of Butter in firkins, Beef and Pork for salting, or already salted, or of Fish.

5. *And be it further ordained*, That no person shall, directly or indirectly, buy during market hours within the Corporation, for the purpose of being sold again within the Town, or elsewhere, any kind of Meat, Poultry, Butter, Eggs, Vegetables or Fish; and every person offending herein, shall forfeit and pay Five Dollars for such offence, to be recovered as aforesaid.

6. *And be it further ordained*, That no person shall offer, or expose to sale, any blown, stuffed, meazly, tainted, or unsound Meat, at the Market-House, or at any other place within the limits of the Corporation; any person so offending, shall for each offence forfeit and pay a fine not exceeding Five Dollars; and all such Meat so offered or exposed for sale, shall be seized by the Clerk of the Market, and buried, or otherwise disposed of.

7. *And be it further ordained*, That all Butter, Lard, or other thing, in pieces or cakes, purporting to be of a certain weight, and which shall be found on weighing, (which shall be done if required by the purchaser, under the penalty of One Dollar, upon the person offering the same for sale,) to contain less than the pretended weight, shall be seized and sold by the Clerk of the Market, for the benefit of the Corporation.

8. *And be it further ordained*, That any person who may be aggrieved by the acts of the Clerk of the Market, may appeal to some Justice of the Peace of this

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Corporation, whose duty it shall be to hear and determine the matter in dispute.

9. *And be it ordained*, That if any Butcher attending Market, shall bring, or suffer to come with him to the Market, any Dog, he or they so offending, shall for every such offence forfeit and pay to the Clerk of the Market, for the use of the Corporation, the sum of One Dollar.

10. *And be it further ordained*, That any Butcher or other person, leaving in the market space, or throwing, or causing to be thrown into the streets or market space of this Corporation, any feet, heads or haslets, or any part of any animal slaughtered by him; or offal of fish, shall forfeit and pay for every such offence, a sum not exceeding Three Dollars.

11. *And be it further ordained*, That all Bread exposed for sale within the limits of this Town, shall be in loaves, and of the weight as assized by the Mayor from time to time; and any person offering Bread for sale, short of such weight, shall forfeit and pay for every offence, a sum not exceeding Five Dollars, to be recovered by warrant.—And it shall moreover be the duty of the Clerk of the Market, or Police Officer, to seize all Bread short of the weight fixed by the Mayor; but such Clerk or other Officer shall make a reasonable allowance for the deficiency in weight of old or stale Bread.

12. *Be it further ordained*, That the person appointed Clerk of the Market, shall also be Adjuster of Weights and Measures—it shall be his duty to take care of the Set of Weights and Measures belonging to the Corporation—he shall, at least once in every year, examine and try all Scales, Steelyards and weights, and all Cloth, Dry and Liquid Measures, made use of within the Corporation, and adjust the same to the Standard of the Corporation and when any Scales, Steelyards,

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and weights or Measures shall require adjustment, the same shall be adjusted within one week, at the expense of the owner; for which services, the Adjuster of Weights and Measures shall be entitled to receive 12½ Cents for adjusting Weights and Dry Measures, and 12½ Cents for Liquid Measures.

13. *And be it further ordained*, That if any person or persons shall refuse to shew to the Clerk of the Market, his, her or their Weights and Measures on demand, whenever he shall call, in pursuance of this Ordinance to examine the same; he, she or they, so refusing, shall, for every such offence, forfeit and pay the sum of Twenty Dollars.

14. *And be it further ordained*, That if any person buying or selling any article which is generally bought or sold by weight or measure, shall make use of any weight or measure, not adjusted according to the directions of this Ordinance, the person so offending, shall forfeit and pay for each offence, the sum of Five Dollars.

15. *And be it further ordained*, That all fines and penalties imposed by this Ordinance, unless herein otherwise directed, shall be to the Mayor and Commonalty of the Town of Fredericksburg, and recoverable with costs, by warrant, before a single Magistrate.

16. All Ordinances and parts of Ordinances, within the purview of this Ordinance, are hereby repealed.

17. This Ordinance shall be in force from the passing thereof.

Amendatory Ordinances.

(Passed August 10, 1838)

1. *Be it further ordained*, That no person shall carry, or cause to be carried into the market house, or market space, any Butter, Poultry, Eggs, or provisions of any kind, which shall not be intended for sale in market;

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and all articles of provision so carried to market in violation of this section, shall be forfeited; and it shall be the duty of the Clerk of the market and the Constables of the Corporation, to seize and sell the same, for the benefit of the Corporation.

2. *Be it further ordained*, That no Huckster or other person, who usually purchase to sell again, or Butcher, shall, either directly or indirectly, purchase or contract to purchase, receive, or contract to receive in market, during market hours, a greater quantity of provisions than what shall be sufficient for the use of his or her family; and any person who shall offend herein, shall forfeit all such surplus of provisions, and shall moreover forfeit and pay, for every such offence, a sum not exceeding Five Dollars, at the discretion of the Justice of the Peace before whom the warrant shall be tried, to be recovered by warrant, as aforesaid.

(Passed August 25, 1838.)

Be it ordained, That all Indian Corn Meal which shall hereafter be sold in this Town, shall be sold by weight, and fifty pounds be allowed to the bushel; and any person or persons who shall sell or offer to sell in the Town aforesaid, any Indian Corn Meal otherwise than by weight as aforesaid, shall forfeit and pay for every such offence, the sum of Five Dollars, to be recovered by warrant, with costs, before any Justice of the Peace of the said Town—half of which fine shall go to the informer, and the other half to the use of the Corporation.

(Passed April 20, 1839.)

1. *Be it ordained by the Mayor, and Common Council of the Town of Fredericksburg*, That hereafter, the Committee on Public Property shall, annually, before renting out

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the Butchers Stalls in the Market-House, fix the distance to which each stall with blocks, benches and other fixtures shall extend out, from the side walls, and also assess the amount of rent to be required for each stall for the year; and after such assessment, it shall be the duty of the Sergeant of the Corporation, under the superintendence of said committee, to put up each stall at public auction, to the highest bidder, taking the amount assessed upon each by said committee, as the lowest sum for which the same shall be rented for the year.

2. *Be it further ordained*, That no Butcher shall rent more than two stalls in any one year, and that no butcher or other person, besides those who have rented a stall or stalls for the year, shall sell or expose for sale in the market house, or market space, any meats or fish of the kind hereinafter named, except upon the payment of the following rates, to wit:—For each slaughtered bullock, cow, or steer, twenty-five cents; for each veal; mutton or lamb, ten cents; and for each sturgeon ten cents—And if

any butcher or other person occupying a stall or stalls rented by them, shall thereat dispose of meats for the benefit of others, he or they shall be liable to pay for all meats sold at said stalls for the benefit of others, the same rates the owners thereof would have been liable to pay if the same had been sold by them.

3. *And be it further ordained*, That it shall the duty of the Clerk of the Market, daily to demand and receive from the persons liable for the payment of the same, the rates fixed in the preceding section; and in the event of their failure or refusal to pay, the party so failing or refusing, shall be liable to a fine of one dollar, to be recovered by warrant with costs, before the Mayor or any other Justice of the Peace of the Town aforesaid;

which warrant shall be brought in the name of the Chamberlain of the Corporation.

4. *Be it further ordained*, That all monies collected for rates and fines accruing under this Ordinance, shall enure to the use of the Corporation; and it shall be the further duty of the Clerk of the Market to keep a regular account of all such, and pay over the same quarterly to the Chamberlain of the Corporation; and as compensation for his services herein, he shall be allowed a commission of ten per cent. on the amount collected.

(Passed March 17, 1840.)

Be it ordained by the Mayor and Common Council of the Town of Fredericksburg, That if any Butcher shall use any Stall or Bench in the Market-House, other than those rented by such Butcher, he or they shall forfeit and pay for every such offence the sum of Two Dollars. And it shall be the duty of the Clerk of the Market, to prosecute for the recovery of such penalties in the name of the Chamberlain of the Corporation, for the time being, for the use of the Corporation.

CHAPTER 12.

An Ordinance prescribing the mode of ascertaining the Taxable Property within the Town of Fredericksburg and of collecting the Taxes.

(Passed June 23 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That a Commissioner of the Revenue shall be annually appointed by the Common Council, who shall, without delay, qualify in the manner prescribed by the Laws of the State, and proceed to perform the following duties:

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2. He shall in the first place, make out a correct List of all the improved Lots within the Corporation, numbered agreeable to the Plat of the Town, the owner and occupier's name, what they rent for when actually rented, and when either untenanted or occupied by the owner, then and in that case to ascertain the Rent as prescribed by the Laws of the State, and extend the Tax that may from time to time be assessed thereon by the Corporation.

3. The said Commissioner shall, on the 10th day of March, annually, begin and proceed without delay through the Town, as established and enlarged by the several Acts of the Legislature of Virginia, and call upon every person subject to Taxation, or having property in his or her possession or care on which any Tax is imposed, for a written list thereof; which list being corrected, if necessary, and distinctly read over to the person delivering the same; he or she shall then make oath or affirmation, that such list contains a just and true account of all persons, and of every species of property in his or her possession or care, (lands only excepted,) within the limits of the Town, subject to Taxation on the ninth day of March, preceding; and that no contracts, change, or removal of property, had been made or entered into, or any other method devised, practised or used, in order to evade the payment of Taxes.

4. The Commissioner shall, after collecting the Lists of property from the Inhabitants of the Corporation, make four general lists therefrom, shewing in columns, the date when each list was received, the persons' names chargeable with the tax or taxes, and the number or quantity of every

species of property subject to tax; which lists shall be disposed of in the following manner, after having been examined by the Clerk of the Hustings

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Court, who shall correct them if necessary, and certify them to be true copies: The Commissioner shall retain one of those lists in his own possession so long as he shall continue in office, afterwards to be delivered to his successor; and one other of the lists, together with the lists taken from the individuals, shall be returned to the Clerk of the Hustings Court, which shall be subject to the inspection of every person who may choose to examine the same, provided it be not taken out of the Clerks possession; one other of the said lists shall be delivered by the Commissioner to the person appointed to collect the Taxes, as his guide, and the remaining list shall be delivered by the Commissioner to the Chamberlain of the Corporation, as evidence against the Collector of the Taxes for the amount thereof—all which lists, it is hereby declared to be the duty of the Commissioner to deliver on or before the tenth day of June, annually.

5. The Council shall make such allowance annually to the Clerk and Commissioner for their services under this Ordinance, as they shall think reasonable, which shall be paid by the Chamberlain.

6. On complaint made to the Council, that the Commissioner neglects or abuses the trust hereby vested in him, the said Commissioner shall, by an order of Council, be required to appear before them, on a day to be named in the said order, which being served on him, or a copy thereof left at his usual place of abode, ten days at least before the day appointed, the Council may proceed to hear and determine the complaint, and may remove him from office, if it shall appear to them that the said complaint is well founded.

7. If any person shall give or deliver to the said Commissioner, a false or fraudulent list of persons or property subject to Taxation, or shall refuse to give a list

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on oath or affirmation, when required by the Commissioner, the person or persons so refusing, shall be liable to a fine of Fifteen Dollars, and the Commissioner shall proceed to list such person's property, agreeable to the best information he can procure, and all such property so ascertained, shall moreover be subject to a triple Tax, to be collected and distrained by the Collector of the Taxes, as in other cases; and in the case of an imperfect or fraudulent list, the person giving the same, shall be subject to pay a fine of Fifteen Dollars, and the property subject to a triple Tax; which fines and triple Taxes, shall be recoverable in the Corporation Court, by the following mode of proceeding, and applied as hereinafter directed.

8. The Commissioner shall give information thereof personally, or if unable to attend, in writing under his hand, to the next Court held for this Corporation, which Court shall forthwith direct the Clerk to issue a summons, requiring the party to appear at the next Court to be held for the Corporation, to shew cause, if any he can, why he should not be fined and triple taxed, for giving an imperfect or fraudulent list of Taxables, or for refusing to give a list of his Taxable Property, upon oath or affirmation, when thereunto required by the Commissioner; and the person or persons, upon being served therewith by the Sergeant, and appearing, shall immediately plead to issue, and the matter thereof shall be inquired into by a Jury, or the Court, at the Defendant's option, and on conviction, or the person failing to appear upon being summoned, the fine and triple tax shall be established by judgment of the Court, who, unless good cause shewn at the next succeeding Court, for such failure, shall award execution for the fine and costs, and certify the amount of the Tax to the Sergeant for collection, and to the Chamberlain of the Corporation;

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the amount of which fine, after deducting thereout, such allowance as the Court may think reasonable to make the Commissioner for his extraordinary trouble on the occasion and officers' fees, shall be

applied to the use of the Corporation, and the triple tax shall be charged to the Sergeant, and accounted for in like manner as the other Taxes.

9. In case any person should be absent from his or her place of residence at the time the Commissioner calls to receive the list, and it should appear to the Commissioner that such absence was intentional, and done with the view of avoiding the delivery of such list, it shall be lawful for the Commissioner to require the attendance of such absent person, with his or her list, at any time and place within the Corporation, previous to the first day of June; and if they shall fail to appear, they shall be liable to the same fines and penalties, and the Commissioner shall proceed in the manner before directed, in cases of refusals to give in lists, and the Court shall determine upon the circumstances of the case, whether to inflict or remit the fine and triple taxes.

10. The Taxes on Lots, Slaves and other Property, shall hereafter become due on the tenth day of June in every year, may be distrained for on the tenth day of July succeeding, and shall be collected, accounted for, and paid to the Chamberlain of the Corporation, by the person appointed for that purpose, from time to time as collected, and finally settle his Collection on or before the twentieth day of October thereafter.

11. When the Sergeant or Collector of Taxes shall have good cause to suspect that any person means to remove his or her property without the limits of his jurisdiction, so that in his opinion the Taxes with which such person is chargeable, will probably be lost by the Corporation, it shall and may be lawful for such Sergeant

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or Collector, on making oath before a Magistrate, and receiving a Certificate of such oath, to distrain Goods and Chattels of such person, and sell as much of the same as will pay the amount of Taxes with which he or she is then chargeable, any time before the tenth day of July; any thing in this Ordinance to the contrary notwithstanding.

12. It shall and may be lawful for such Sergeant or Collector to collect and make distress for any Taxes which may be due, at any time within three years after such Tax becomes due.

13. In case of the death of any Sergeant who shall be appointed Collector of the Taxes, before such collection shall be completed, it shall be lawful for the person appointed by the Court of Hustings of this Corporation to succeed him in the office of Sergeant, to complete the collection of the said Taxes; and he is hereby authorized to demand and receive from the executors or administrators of such Sergeant, his book of accounts and all papers necessary to enable him to complete the collection of the Taxes and other dues to the Corporation.

14. The person or persons so appointed, shall in all respects be subject to the same penalties, for any neglect of duty, or failing to account for and pay to the person or persons authorised to receive the money by him collected, as the former Sergeant.

15. A list of all the Insolvents shall be annually returned on oath to the Council of this Corporation by the Sergeant; and no Sergeant or Collector shall have credit for such Insolvents in his account with the Corporation in settlement with the Chamberlain thereof, unless certified by the Clerk to have been allowed by the Council. The Sergeant or Collector of Taxes in making distress for taxes due the Corporation, shall in all respects be governed by the laws of this State in like cases.

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16. All and every Ordinance and Ordinances, clauses, and parts of Ordinances, containing any thing within the purview of this Ordinance, shall be and the same are hereby repealed.

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

CHAPTER 13.

An Ordinance to regulate the Erection of Buildings and the enclosing of unimproved Lots in the Town of Fredericksburg.

(Passed June 23, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg,* That when any person or persons shall hereafter purpose to erect any new building, remove or extend an old one, or enclose any unimproved lot or square, within the boundary lines of the town of Fredericksburg, he, she, or they, shall previous to the erection, extension or removal of such building, or the enclosing such lot, give reasonable notice of his, her or their intention to the Surveyor of the town, specifying the time and place when and where such building is to be erected, extended or removed, or enclosure to be put up. And it shall be the duty of the Surveyor of this Corporation, when thereunto required, to attend at such time and place, and then and there ascertain, and distinctly mark the line or lines of the lot or lots, and range of the street or streets, where such building is to be erected, extended or, removed, or enclosure to be put up, according to the plat of said Town.

2. *Be it further ordained,* That if any person or persons shall hereafter enclose any lot or square, erect any new building, or extend or remove any old building, within the limits its of this town, without calling on the

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Surveyor and having the line or lines of the street or streets bounding the same previously ascertained and distinctly marked by him, he, she or they, shall forfeit and pay to the Mayor and Commonalty of the Town of Fredericksburg the sum of Twenty Dollars, to be recovered with costs by warrant before a Justice of the Peace of said Corporation.

3. *Be it further ordained,* That the Surveyor of this Corporation shall be entitled to demand and have from the person requiring his services, the following fees, viz: For ascertaining the range of one Street, and distinctly marking the line thereof, Two Dollars—for performing the same duty on two Streets, Three Dollars—on three Streets, Four Dollars—and for four Streets, Four Dollars and Sixty-six Cents—*Provided* the same be required to be done at the same time, and for the same person or persons, and on the same square—otherwise he shall be entitled to demand and have Two Dollars for every line by him surveyed and marked.

4. *Be it further ordained,* That the first section of this Ordinance, shall not be so construed as to render it necessary for any person or persons to call upon the Surveyor of this Corporation, when building a House in the interior of his, her or their Lot, or putting up a new Enclosure, or repairing an old one on an improved lot or square, if the corners of such lot or square had been previously built on.

5. *Be it further ordained,* That the footways of the Town of Fredericksburg shall be ten feet wide, (except before the Town-Hall and Episcopal Church, where they may be twelve feet wide,) and that no steps or cellar ways, or cellar doors, shall extend more than four feet into any street from the lines thereof, nor shall they be built or put up in such manner as to prevent an easy passage through the footways of said town—nor shall

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any person place any spout, gutter or other impediment on any footway, so as to obstruct the passage of the same. Whoever shall offend herein, in any respect, shall forfeit and pay to the Corporation aforesaid, for every offence, the sum of Ten Dollars, to be recovered with costs, by warrant, before a Justice of the Peace of said Corporation.

6. *Be it further ordained,* That all ordinances and parts of Ordinances, within the purview of this ordinance, shall be, and the same are hereby repealed.

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

(Supplemental Ordinances.

(Passed May 12, 1835.)

Be it ordained, That if any person or persons shall hereafter erect any new building, remove or extend an old one, or enclose any unimproved lot or square within the boundary lines of the Town of Fredericksburg, and shall fail to call upon the Surveyor of the Town to have the line or lines of the street marked and designated by him, in the manner pointed out in the first and second sections of the

ordinance, passed June 23d, 1829, it shall be the duty of the Surveyor to mark and designate the line or lines of the street or streets where such buildings or enclosure may have been erected, and he shall be entitled to the same fees as if he were called upon by the party or parties to perform the same, as is prescribed in the ordinance; to be recovered by warrant, with costs, before a Justice of Peace of the said Corporation.—And, in making such survey, if he shall find any of the buildings or enclosures so erected to encroach upon any of the streets of the town, it shall be furthermore his duty to report the same to the Police Officer of the Corporation without delay.

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(Passed May 7, 1836.)

Be it ordained, That in every case in which the owner of an improved lot, within the limits of the said town, shall be desirous of having a new fence erected between his said lot and any improved lot adjoining thereto, and the owner of the said adjoining improved lot shall refuse to agree to pay his share of the expense of erecting the said fence, the Mayor shall, on the complaint of either of the said parties, appoint three discreet freeholders of the said town, to act as commissioners in the case; who, being first duly sworn to decide impartially and to the best of their judgment, as to the necessity for a new fence to divide the lots of the said parties, shall survey the premises, and the opinion, on the case, of a majority of the said commissioners shall be delivered to the Mayor by them, and shall be binding on the said parties. Should the said commissioners decide that a new fence is necessary, and the said parties not then come to an amicable agreement on the case, the complaining party may proceed to have the said fence erected, and on the completion thereof, shall be entitled to recover, by a warrant, with costs, before any Justice of the Peace for the Corporation aforesaid, from the other party in the case, one-half of the cost of the said fence; *provided* the said one-half shall not exceed the sum of Twenty Dollars—and *provided also*, that the said one-half shall be estimated on the cost of a fence to be formed of good posts and rails, with undressed paling, not exceeding six feet in height.

Be it ordained, That if any person or persons shall hereafter erect a new building, remove or extend on old one, or enclose any unimproved lot or square, within the limits of the said town, extending on any line,

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within twenty inches of the boundary line of any street, the said building or fence shall not be deemed to be within the interior of his, her or their lot, but he, she or they, shall be subject to the provisions of the Ordinance, passed June 23d, 1829, and of the Ordinance supplemental thereto, passed May 12th, 1835, in the same manner as if the said building or fence extended to the line of the said street.

(Passed May 2, 1838.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That hereafter it shall not be lawful for the owner or occupier of any tenement or unimproved lot in the town aforesaid, to raise, or in any manner change or alter the graduation of the Footway before his or her tenement or lot, without the permission of the street Commissioners, or a majority of them first had and obtained. Any person offending herein shall be liable to a fine of Five Dollars, to be recovered before any Justice of the Peace for the town aforesaid, with costs, upon the complaint of any two or more of the said street Commissioners; and shall moreover be liable to a further fine of One Dollar, to be recovered in like manner, for every day the footway before his or her tenement or lot shall remain so raised, changed or altered, as that the same shall be considered, in the opinion of said Commissioners, an impediment to the foot passengers, or an injury or inconvenience to the owners or occupiers of the adjoining tenement or lot.

2. All fines accruing for violation of this Ordinance, shall be paid to the Chamberlain for the use of the Corporation, by the Justice of the Peace imposing the same.

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

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CHAPTER 14.

An Ordinance concerning the Gauging of Domestic Spirit.

(Passed June 23, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg,* That there shall be annually appointed by the Corporation a Gauger of Spirit, whose duty it shall be to gauge all hogsheads, pipes, tierces, and other casks containing Domestic Spirit, brought to the Town for sale by wagons, or other land carriages.—And it shall be the further duty of said Gauger, to mark on every hogshead, pipe, tierce or other cask, the capacity thereof, and the quantity of spirit therein; and he shall moreover ascertain the strength of such spirit by Dicas' Hydrometer, and mark the number of degrees above or below proof on the cask containing such Spirit.

2. The Gauger so appointed, shall he entitled to demand and have for performing the services required by this Ordinance, from the owner or consignee of the spirit, the sum of sixteen cents for every hogshead, pipe, tierce, barrel, or other cask; and twenty-five cents for gauging any hogshead or cask of oil or molasses.

3. *Be it further ordained,* That if any person shall sell or buy within the limits of this town, any domestic spirit in hogsheads, pipes, tierces, barrels, or other casks, (which spirit was brought to the town by land carriage,) without having the quantity and strength ascertained by the town gauger, he shall forfeit and pay one dollar for every hogshead, pipe, tierce, barrel, or other cask of spirit, so by him bought or sold, to any person that will warrant for the same, to be recovered with costs before any Justice of the Peace of this Corporation.

4. The person appointed Gauger as aforesaid, shall, before he enters upon the duties of his office, make oath

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before the Mayor or Recorder to discharge the same faithfully and impartially: And it shall be lawful for said Gauger to appoint a Deputy to perform his duty, in the event of his absence or sickness, which Deputy shall make oath as aforesaid.

5. All Ordinances and parts of Ordinances within the purview of this Ordinance are hereby repealed.

6. This Ordinance shall be in force from the passing thereof.

CHAPTER 15.

An Ordinance respecting the Measuring of Coal, Salt, Oats, Corn and Potatoes.

(Passed June 23 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg,* That there shall be annually appointed by the Council a Measurer of Salt, Coal, Oats, Corn and Potatoes, whose duty it shall be to measure, or cause to be measured in his presence, all such articles brought to this Town by water, and who, before he enters upon the duties of his office, shall take an oath before the Mayor or Recorder, to discharge the same faithfully and impartially.

2. It shall be lawful for such Measurer to employ one or more persons of lawful age, to assist him in the discharge of his duty at any time he may think it necessary; but the persons so employed shall make oath to perform, as deputies, the duty of the sworn Measurer.

3. *And be it further ordained,* That all Salt, Coal, Oats, Corn and Potatoes, brought to this Town by water, except Salt in sacks, or Potatoes in barrels, shall be measured by the sworn Measurer or one of his Deputies, who shall receive from the owner or consignee thereof, twenty-five cents for every hundred bushels of salt, coal, oats, corn or potatoes so measured by him.

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4. *Be it further ordained,* That if any person or persons shall presume to sell or deliver, or cause to be sold or delivered, or buy within the limits of this town, any of the articles aforesaid, brought by

water, without having the same previously measured, he or they shall forfeit and pay Three Dollars for every hundred bushels so sold or bought, to any person that will warrant for the same, to be recovered with costs before any Justice of the Peace of this Corporation.

5. All Ordinances and parts of Ordinances within the purview of this Ordinance, are hereby repealed.

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

Amendatory Ordinance.
(Passed February 20, 1836.)

Be it ordained, That hereafter, if any person, having any Coal, Salt, Oats, Corn or Potatoes, brought to this town, by water, shall not have sold the same to be delivered at the wharf, he shall not be required to have them measured by, nor in the presence of the Measurer appointed by the Council, nor to pay to him the fee specified for the performance of that duty; but that if he determines to employ the said Measurer to attend to measuring thereof, any dispute which may arise between the owner or consignee, and the Captain of the vessel in which the article was brought, respecting the quantity delivered from the vessel, shall be determined by the evidence of the said Measurer.

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CHAPTER 16.

An Ordinance concerning the weighing of Hay, Fodder, and other long Provender, and prescribing the duties of the Farmer of the Hay-Scales.

(Passed June 28, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg,* That all Fodder and other long Provender, brought to the Town aforesaid for sale, shall be weighed at and with the Hay-Scales of this Corporation; and if any person or persons shall sell or buy any Hay, Fodder, or other long Provender, in the Town aforesaid, without having the same weighed by the person or persons to whom the said Hay-Scales shall be let for that purpose; he or they, shall forfeit for every load so sold or bought, the sum of Five Dollars, to be recovered with costs, before any Justice of the Peace of this Corporation, by any person that will warrant for the same.

2. *Be it further ordained,* That it shall be the duty of the person or persons to whom the Hay-Scales of this Corporation shall at any time be let, to ascertain the weight of all Hay, Fodder and other Provender, brought to said Scales for that purpose, and issue his or their note to the owner or person having possession thereof, with his or their signature, expressing the gross weight of the Carriage and Provender, weight of the Carriage, and the nett weight of the Hay, Fodder, or other Provender, and the date when weighed; for which, he or they shall be entitled to demand and have from the owner of such Provender, Three Cents for every nett hundred pounds thereof; And it shall be his or their further duty, to ascertain the weight of all the Carriages used in bringing Hay, Fodder, or other Provender to this Town for sale, once in every three months, and

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at all other times when required so to do, by a purchaser of any load of Hay, Fodder, or other long Provender.

3. *Be it further ordained,* That the persons to whom the Hay-Scales of this Corporation may hereafter be let, and his or their Deputies shall make oath before a Justice of the Peace, to discharge the duties prescribed by this Ordinance faithfully and impartially, before he or they undertake the same.

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

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

CHAPTER 17.

An Ordinance to License and Regulate Drays, Carts and Wagons.

(Passed June 23, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That all, and every person or persons whatsoever, residing within the Town of Fred Fredericksburg, now owning and using, or that may hereafter own and use within the Town aforesaid, any Dray, Cart or Wagon, whether the same be used for hire or not; and all and every person or persons whatsoever, not residing within the Town of Fredericksburg, now owning, or that may hereafter own any Dray, Cart or Wagon, generally used in carrying for hire, any produce or merchandize from any store or warehouse in said Town, to any other store or warehouse in said Town, or to any wharf in said Town, or near thereto, or from any such wharf to any such store or warehouse, shall annually, on the first day of April, obtain from the

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Commissioner of the Revenue of the Corporation of Fredericksburg, a Certificate that he, she or they have paid the Taxes that may annually be assessed on such Dray, Cart, or Wagon: and it shall be the duty of the said Commissioner, to give such Certificate to any person or persons applying therefor, upon such person or persons producing to him the receipt of the Sergeant of the Corporation of Fredericksburg, for such Taxes as shall be assessed on such Drays, Carts and Wagons.

2. All Licenses shall expire on, the first day of April then next after the granting thereof; and if taken out for a shorter period than a year, the tax to be paid shall be at the rate per annum that may be annually assessed upon such Drays, Carts and Wagons: and moreover the owner or owners of any such Dray, Cart or Wagon, used, or intended to be used in the Town of Fredericksburg for hire, shall at the time they shall apply to the said Commissioner for such certificate, execute before the said Commissioner a bond with sufficient security, in the penalty of \$300, payable to the Mayor of the said Corporation for the time being, with condition to pay to any person or persons respectively, who may employ such Dray, Cart or Wagon, for hire, any damages which any person or persons who may so employ such Dray, Cart or Wagon, shall sustain by reason of any misconduct or negligence of the owner or driver of such Dray, Cart or Wagon.

3. *And be it further ordained*, That if any person residing within the Town of Fredericksburg, and owning any such Dray, Cart or Wagon, shall use the same within the town aforesaid, or any person or persons whatsoever, not residing in the said Town, and owning any such Dray, Cart or Wagon, shall, customarily use the same for hire, in carrying produce or merchandise from any store, or warehouse in said town, or to any

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wharf, in said town, or near thereunto, or from any such wharf to any such store or warehouse, without first obtaining such certificate, and in the cases in which the same is hereby required giving the bond and security, as is herein before ordained, he, she, or they, so offending, shall, for every such offence, forfeit and pay the sum of Twenty Dollars, to the use of the Corporation of Fredericksburg, to be recovered by warrant before any magistrate of said Corporation. And it shall be the duty of the said Commissioner to prosecute for the recovery of all such penalties in the name of the Mayor and Commonalty of the Town of Fredericksburg.

4. Every Drayman and Cartman may demand and be entitled to receive for every load of salt or molasses from the wharves, 30 cents: For every five barrels of flour to or from the wharves, 25 cents: For every hogshead of tobacco to or from the wharves, 30 cents: For all other articles to or from the wharves, 25 cents per load: And every wagoner may demand and be entitled to receive double the rates aforesaid. And if the owner of any such Dray, Cart or Wagon, shall demand and receive more than the rates herein specified and allowed, the owner of such Dray, Cart or Wagon shall, for every such offence, forfeit and pay the sum of One Dollar to any person that will warrant for the same. And if the owner or driver of any Dray, Cart or Wagon shall refuse to work his, her or their Drays, Carts or wagons (when unemployed,) for any person or persons desiring to employ the same, at the rates herein before specified, the owner of such Dray, Cart or Wagon shall, for every such offence, forfeit and pay

the sum of One Dollar to any person that will give information thereof to any Justice of the Peace for the Corporation of Fredericksburg.

5. *And it is hereby further ordained by the authority*

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aforsaid, That the owner or owners of any Dray, Cart or Wagon, hereby directed to give bond and security, shall provide their Dray and Cart with ten bags and their Wagon with twenty bags, made of good strong materials and in the best manner—to be 38 inches long and 24 inches wide, with the name of the owner marked thereon with blacking or paint; and the Commissioner of the Revenue is hereby directed not to grant a license to the owner of any Dray, Cart or Wagon, until the above number of bags, and of the description, *aforsaid*, is presented to him.

6. *And be it further ordained*, That if the owner or owners of any Dray, Cart or Wagon, shall neglect to keep the said bags in good order, and present them for use when required, he, she or they, shall forfeit and pay, for every such offence, the sum of Two Dollars; one moiety to the informer, and the other to the Chamberlain for the benefit of the Corporation.

7. The Commissioner of the Revenue shall annually, on or before the first day of March, return to the Chamberlain for the time being, a list of all such Drays, Carts and Wagons as have obtained from him a license within the year preceding, designating in such list the name of the owner or owners thereof, the sums paid for the taxes thereon, and those for which bond and security have been given as required by this Ordinance, and which are marked as required. The Commissioner, as a compensation for discharging the duties imposed by this Ordinance, shall be entitled to receive annually the sum of fifty cents for each Dray, Cart or Wagon.

8. All of other Ordinances, or parts of Ordinances, for licensing and governing Drays, Carts and Wagons, in the Town of Fredericksburg, are hereby repealed.

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

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CHAPTER 18.

An Ordinance concerning the Inspection and Measuring Lumber, Wood, &c.

(Passed June 23, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That an Inspector and Measurer of Lumber, for this Corporation, be appointed, whose duty it shall be to inspect and measure all plank and scantling, and to inspect and count all staves and shingles, brought in vessels to this market for sale, in the following manner: He shall divide all plank and scantling into three classes, to be designated first, second, and third quality; and shall in like manner divide all shingles and staves into two classes, to be designated first and second quality.

2. *Be it further ordained*, That it shall also be the duty of the said Inspector and Measurer of Lumber, after having inspected and measured each plank or piece of scantling, to mark the number of feet, board measure, thereon; and it shall likewise be his duty, whenever required to do so, to attend at the wharves, or any other place within the Corporation, for the purpose of performing any of the duties required of him by this Ordinance.

3. And that the said Inspector and Measurer shall, before he enters upon the execution of his office, make oath before the Mayor, that he will faithfully execute the duties of his office, during his continuance therein.

All other ordinances within the purview of this Ordinance, are hereby repealed.

This Ordinance shall be in force from the passing thereof.

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Amendatory Ordinances.

(Passed June 3, 1829)

Be it Resolved, That an Inspector and Measurer of Lumber, &c., be appointed, whose duty it shall be to inspect and measure all wood, Plank, Scantling, and Tanning Bark, and to inspect and count all Staves and Shingles brought to this market down the Canal for sale, in the following manner: He shall divide all Plank, Scantling and Tanning Bark, into three classes, to be designated first, second, and third quality, and shall, in like manner, all Shingles and Staves into two classes, to be designated first and second quality.

(Passed June 22, 1833.)

Be it ordained, That the Inspector and Measurer of Wood, Plank, Staves, Shingles, Tanning Bark, &c., shall demand and receive the following compensation for his services, to be paid by the seller:

For inspecting, measuring and marking Plank and Scantling, at the rate of twenty-five cents for every thousand feet—

For inspecting and counting Shingles at the rate of ten cents per thousand—

For inspecting and counting Staves, at the rate of twelve and a half cents per thousand—

For inspecting and measuring Wood, at six cents per cord—

For inspecting and measuring Tanning Bark, at the rate of ten cents for every cord—

For inspecting and counting Hoop Poles, at the rate of ten cents per thousand.

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(Passed February 20, 1836.)

Be it ordained, That hereafter, any person having any Plank, Scantling, Staves, Shingles, or other Lumber brought to this Town, by water, shall not have sold the same to be delivered at the wharf, he shall not be required to have the same inspected and measured, or inspected and counted by, nor in the presence of the Inspector and Measurer of Lumber, appointed by the Council, nor to pay to him the fee specified for the performance of that duty; but that if he determines to employ the said Inspector and Measurer of Lumber to attend to the inspecting and measuring, or the inspecting and counting thereof, any dispute which may arise between the owner or consignee, and the captain of the vessel in which the article was brought, respecting the quantity delivered from the vessel, shall be determined by the evidence of the said Inspector and Measurer of Lumber.

(Passed May 7, 1836.)

1. *Be it ordained*, That any person or persons selling Wood, Plank, Scantling, Tan Bark, Staves, Shingles, or Hoop Poles, at the Basin, or that may have been landed there, without having first had said articles inspected and measured, or counted, as the case may be, by the sworn Inspector and Measurer, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered by warrant, with costs, before any Justice of the Peace of the Corporation of Fredericksburg, for the use of said Corporation.

2. *Be it further ordained*, That it shall be the duty of the Measurer to measure all wood and Bark, when taken from the Basin.

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(Passed May 13, 1837.)

Be it further ordained, That an Inspector and Measurer of Lumber, Wood, Plank, Staves, Shingles, Bark, &c., be appointed to attend at the Rail Road Depot, and that said Inspector and Measurer, be governed by the Ordinances now in existence on the subject of his duties, and that he be allowed the same rates of charge for measuring, &c., that the Inspectors and Measurers at the Basin and Wharves, are allowed.

(Passed December 5, 1838.)

Be it ordained, That the Inspectors and Measurers of Wood, Lumber, &c., be authorized to appoint Assistants who, being first approved of by the Mayor, and sworn, shall be authorized to discharge all the duties of Inspectors and Measurers.

CHAPTER 19.

An Ordinance to prevent Obstructions in the Streets and Footways, and Injuries to the Pumps.
(Passed June 23, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg,* That if any person whatsoever shall place or unload, or cause or direct to be placed or unloaded, on any street, footway or alley, of the Town aforesaid, any firewood, coal, casks, boxes, merchandize, lumber, or other obstruction of any kind, and shall not remove the same from the street, footway or alley, in twelve hours after the first time the same shall have

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been so placed or unloaded, he or she shall forfeit and pay to the Mayor and Commonalty of the Town of Fredericksburg the sum of Two Dollars for every offence, and be subject to the further penalty of Two Dollars for every hour after the time herein mentioned such obstruction shall remain, after he or she shall have been required by the Police Officer to remove the same. *Provided,* that any person desirous of depositing on any street materials for building, shall apply to the Superintendent of Police, who shall appoint a proper place, and assign a reasonable space, for depositing said materials, so as to obstruct passengers as little as possible.

2. *Be it further ordained,* That no person shall take any sand or dirt from any of the streets, lanes or alleys of said town, nor from any lot belonging to the Corporation, without the consent of the Superintendent of Police: And no sand or dirt shall be removed from one district to another without the express order of the Council authorizing the same. Every free person who shall carry away any sand or dirt contrary to the intent of this Ordinance, shall forfeit and pay to the Corporation aforesaid One Dollar for every load so carried away. And every slave offending herein, shall be subject to the same penalty, which, if not paid by himself or employer, he shall receive fifteen lashes on his bare back, upon conviction of the offence before a Magistrate of the Corporation.

3. *Be it further ordained,* That it shall not be lawful for any Blacksmith, Wheelwright, Carpenter, or other person, to use any part of the public streets, lanes, or alleys, of this town, for the purpose of shoeing horses, hooping wheels, making or mending carts, wagons, or other carriages, or in any way to occupy the streets, lanes, or alleys, or any part thereof, in their respective

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trades or occupations. All and every person who shall offend herein shall, for each and every offence, forfeit and pay Five Dollars to the Corporation aforesaid.

4. *Be it further ordained,* That it shall not be lawful for any person to encumber any of the streets, lanes, or alleys, by suffering any dray, cart, wagon, or other carriage, not in use, to remain in any street, lane or alley, longer than four hours. Every person offending herein shall forfeit and pay to the Corporation aforesaid One Dollar. And it shall be the duty of the Police Officer to have all such carts, drays or wagons, removed at the expense of the owner.

5. *Be it further ordained,* That no horse-rack or trough shall be erected or placed in any street of the town. Any person offending herein shall forfeit and pay Two Dollars for every day the same shall remain in the streets, for the use of the Corporation. And no person shall feed their horse or horses in Caroline or main-street, nor in William or Commerce-street, under the penalty of One Dollar.

6. *Be it further ordained,* That if any person shall wantonly or maliciously remove the cap from any Pump, or break or remove the handle thereof, or choke any Pump by conveying into it any brick, stone, or other substance, or shall in any manner injure the same, the person so offending, and being thereof convicted before a Justice of the Peace, shall forfeit and pay, for every offence, the sum of Five Dollars to the use of the Corporation; and shall moreover be liable to the expense incurred in repairing the same, to be recovered with costs by warrant before a Magistrate, or suit as the case may require. If the offender be a slave, he shall receive such corporal punishment, not exceeding thirty-nine lashes, as the Magistrate before whom he shall be convicted shall direct: And if the offence be committed

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by a minor, the fine and expense shall be paid by the father, guardian or master of such minor, as the case may be.

7. All fines, forfeitures or penalties accruing to the Corporation for violations of this Ordinance, shall be recovered by warrant, with costs, before a single Justice of the Peace.

8. *Be it further ordained*, That all Ordinances, and parts of Ordinances, coming within the purview of this Ordinance, are hereby repealed.

9. This Ordinance shall be in force from the passing thereof.

CHAPTER 20.

An Ordinance respecting Stoves and Chimnies, and for the Removal of Shavings from Buildings, and for the preventing Fire being carried through the Streets.

(Passed June 26, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That all Stoves now set up, or which may hereafter be set up, in the Town aforesaid, shall have their pipes conveyed into a stone or brick chimney, and be otherwise so secured as to be safe from the danger of communicating fire either to the building in which it is erected or to any adjacent building.

2. Any Magistrate of this Corporation, upon receiving information from two or more respectable persons, that any Stove or Stoves in their square or neighborhood are set up and used without being secured as directed in this Ordinance, shall immediately issue his warrant summoning the proprietor of such Stove to appear before him, who, upon conviction thereof, shall forfeit and pay the sum of Ten Dollars and costs, and

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be moreover subject to the payment of Five Dollars and costs for every day, his, her or their Stove shall be afterwards used without being secured and fixed as the first section of this Ordinance directs.

3. *And be it further ordained*, That if any inhabitant of this Corporation shall fire his, her or their chimney or chimnies in fair and dry weather, or suffer his, her or their chimney to catch fire in fair and dry weather, he, she or they shall, on conviction thereof before any Magistrate of this Corporation, forfeit and pay Five Dollars and costs.

4. *And be it further ordained*, That every person or persons now building, or may hereafter build within this Town, shall every day whilst such building is carrying on, remove or cause to be removed, to some place of safety, all chips or shavings, or other dangerous combustible, before the close of each day, under the penalty of Five Dollars for each day such chips or shavings shall remain at such building, to be forfeited and paid on conviction thereof, by the owner of such building, if an inhabitant of this Corporation; and in case the owner is not an inhabitant of the Corporation, then and in that case, the said fine shall be forfeited and paid by the agent or undertaker of the building.

5. *And be it further ordained*, That any person or persons guilty of carrying fire about the streets of this Town, in dry and windy weather, without having the same secured under cover, shall, on conviction thereof before any Magistrate of this Corporation, forfeit and pay One Dollar for every such offence, if a free person, and if a slave, shall receive ten lashes at the public whipping-post, unless his or her owner pays said fine.

6. All fines and penalties imposed by this ordinance, shall be to the Mayor and Commonalty of the Town of Fredericksburg, and recoverable by warrant.

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

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

CHAPTER 21.

An Ordinance to prevent the Discharge of Fire Arms, or Crackers, and to prevent Boys from Playing or Flying Kites in the Streets.

(Passed June 23, 1829)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That if any person shall fire any Musket, Fowling-Piece, Pistol, or other Fire-Arms, in the Town aforesaid, unless in the execution of some law, or at a military parade in celebration of some festival, the person so offending, shall forfeit and pay to the Mayor and Commonalty of the Town of Fredericksburg, Two Dollars for every offence; if a minor commit the offence, the parent, guardian or master of such minor, shall forfeit the like sum of two dollars; and if a slave commit the offence, and be thereof convicted before a Justice of the Peace for said Corporation, he shall receive twenty lashes on his bare back, unless the sum of two dollars and costs be paid by himself, his owner, or employer.

2. *Be it further ordained*, That if any person shall fire or set off any cracker, or composition of gunpowder, or constituent thereof, in the town aforesaid, he shall forfeit and pay one dollar for every offence; and if a person under twenty-one years of age shall fire a cracker or other combustible in the town aforesaid, the parent, guardian or master of such person, shall forfeit and pay the sum of one dollar for every offence committed by such minor; and if a slave commit the like offence, and

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be convicted thereof before a Justice of the Peace of said Corporation, he shall receive ten lashes on his bare back, unless the sum of one dollar and the costs be paid by himself, his owner, or employer.

3. *Be it further ordained*, That it shall not be lawful for boys to assemble in any street of the town and play at any game or amusement whatever, or to throw any stone or other missile in the streets of said town, under the penalty of one dollar for every offence, to be recovered from the parent, guardian or master of the boy committing the offence.

4. It shall not be lawful for any person to raise or fly a Kite within the limits of the town aforesaid. Every person offending herein, shall forfeit and pay one dollar for every offence. If a minor commit the offence, the parent, guardian or master of such minor, shall forfeit the sum of one dollar; and every slave offending herein, shall receive ten lashes on his bare back, unless the sum of one dollar and costs, be paid by himself, his owner or employer.

5. *Be it further ordained*, That if any person shall draw any indecent figure, or write any vulgar or obscene words upon any house, wall or paling, in the town of Fredericksburg, he shall forfeit and pay one dollar for every offence. If the offence be committed by a minor, the fine shall be recovered from the parent, guardian or master, (as the case may be,) of such minor.

6. *Be it further ordained*, That if any person shall beat any drum within the limits of this town after dark, unless at a military parade in celebration of some festival, he or they so offending, shall forfeit and pay to the Corporation aforesaid, the sum of five dollars. If the offender be a slave, he shall, upon conviction of the offence, receive twenty lashes on his bare back.

7. *Be further ordained*, That all forfeitures for

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violations of this Ordinance, shall accrue to the Mayor and Commonalty of the Town of Fredericksburg, and be recovered by warrant, with costs, before a Justice of the Peace.

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

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

CHAPTER 22.

An Ordinance to prevent the Straining or Breaking Horses, and to prevent persons Riding on the Footways.

(Passed June 23, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That no Drayman, Cartman, Wagoner, or other person, shall drive any horse or horses (when attached to any dray, cart or wagon,) within the limits of the town aforesaid, faster than an ordinary travelling gait; nor shall the driver of any dray, cart or wagon leave his dray, cart or wagon, at any time when on the street. Every free person offending herein, shall forfeit and pay to the Mayor and Commonalty of the Town of Fredericksburg, One Dollar for every offence; and if a slave offend herein, and be convicted before a Justice of the Peace, he shall receive ten lashes on his bare back; but the punishment may be commuted by his owner or employer paying One Dollar and costs to the use of the Corporation.

2. *Be it further ordained*, That if any horse or horses attached to any dray, cart or wagon, shall run away any street in this town, and such horse or horses could have been prevented from so running off by due care and caution of the driver, he, the driver of such horse or

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horses, being convicted before a Justice of the Peace of not exercising such care and caution, if free, shall forfeit and pay to the Corporation aforesaid the sum of Five Dollars; if he be a slave, he shall receive twenty lashes on his bare back, unless the said penalty be paid by his owner or employer.

3. *Be it further ordained*, That no person shall drive, or cause to be driven, any horse or horses attached to any carriage, gig, chair, or carryall, in the town of Fredericksburg, faster than an ordinary travelling gait; nor shall any person willfully strain any horse or horses in the town aforesaid; nor shall any person ride or drive any horse or horses in said town without a bridle, and the same held by the person so riding or driving. Any free person violating this Ordinance, by committing any or either of the offences recited in this section, shall pay a fine of not less than One nor more than Five Dollars, to be imposed by any Justice of the Peace of the Corporation of Fredericksburg, for the use of said Corporation, and levied by execution against the goods and chattels of the offender: but if the offender be a minor, the parent, guardian or master of such minor, as the case may be, shall pay the fine: And if any slave shall violate any of the provisions of this section, and be thereof convicted before a Magistrate, he shall be punished by stripes on his bare back, not exceeding thirty, at the discretion of the Magistrate before whom he shall be convicted; which punishment may be commuted by the payment of such fine as the Magistrate, in his discretion, shall impose, not exceeding Five Dollars.

4. *And be it further ordained*, That if any person or persons shall put, or cause to be put, any horse or horses to a cart, dray, wagon, or carriage of any kind, within the limits of this town, for the purpose of breaking such horse or horses, he or they so offending, shall forfeit

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and pay to the Corporation aforesaid, the sum of Five Dollars.

5. *Be it further ordained*, That if any person or persons shall willfully drive any horse, horses, or oxen, or ride or lead any horse on any footway of the town aforesaid, he or they so offending, shall pay a fine of not less than One nor more than Five Dollars, to the Corporation of Fredericksburg, to be imposed by any Justice of the Peace of said Corporation, and levied by execution against the goods and chattels of the offender. If the offence be committed by a minor, the fine shall be recovered from his parent, guardian, or master; and if the offence be committed by a slave, he shall receive twenty lashes on his bare back; but such punishment may be commuted by the payment of a fine not exceeding Five Dollars, to be imposed by the Justice of the Peace before whom such slave shall be convicted.

6. *Be it further ordained*, That if the driver of any dray, cart, wagon, gig, chair, or any kind of carriage, shall stop the same on any of the footways of this town, where the streets intersect each other, the person so offending, and being thereof convicted before a Justice of the Peace, if free, shall forfeit and pay to the Corporation One Dollar; and if the offence be committed by a slave, such slave shall be punished with stripes, not exceeding twenty, at the discretion of the Justice before whom he or she shall be convicted, unless the owner or employer of such slave shall pay to the Corporation the sum of One Dollar.

7. *And be it further ordained*, That no person shall roll any wheelbarrow or handcart on the footways of this town. Any free person offending herein, and being convicted thereof before a Justice of the Peace, shall forfeit and pay to the Corporation Fifty Cents; and any slave so offending, and being, convicted as aforesaid,

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shall receive five lashes on his bare back, unless the said fine of Fifty Cents be paid by his owner or employer.

8. All fines, forfeitures and penalties, accruing to the Corporation for violations of this Ordinance, may be recovered by warrant, with costs, before a single Justice of the Peace.

9. All Ordinances, and parts of Ordinances, within the purview of this Ordinance, are hereby repealed.

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

CHAPTER 23.

An Ordinance to prevent Merchants and Others from keeping their Stores and Shops open on Sundays, and Carts, Drays and Wagons from Working on the Sabbath.

(Passed June 26, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That if any Merchant or Shopkeeper shall keep his, her, or their store or shop, open on Sunday, at any time of the day, such Merchant or Shopkeeper so offending, shall forfeit and pay to the Mayor and Commonalty of the Town of Fredericksburg the sum of Five Dollars.

2. If any Butcher or other person shall sell any meat or other thing at the Market-House or in the market space, on the Sabbath Day, he or they, if free, shall forfeit and pay to the Corporation aforesaid the sum of Five Dollars; and if the offence be committed by a slave, he shall receive ten lashes on his bare back, unless the fine aforesaid be paid by the owner or employer of such slave.

3. If any Dray, Cart, or wagon, be found working on the Sabbath-day, (except in cases of necessity,) the

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owner or driver thereof, shall forfeit and pay to said Corporation, Three Dollars; and every person employing the same, shall forfeit and pay the same sum to the use of the Corporation.

4. The fines imposed by this Ordinance, shall be recovered with costs before a single Magistrate.

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

6. This Ordinance shall be in force from the passing thereof.

CHAPTER 24.

An Ordinance concerning Nuisances.

(Passed June 23, 1829)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That there shall be annually appointed for said Corporation, a Superintendent of Police, who shall receive such compensation for his services as shall be from time to time fixed by the Council; and whose duty it shall be to cause to be executed all Ordinances of Council in relation to the Police of the Town.

2. *Be it further ordained*, That the owners or possessors of all horses, cattle or other animals, which may die within the limits of the town, shall cause the same to be immediately removed one mile from the limits of said town, and deposited at a reasonable distance from any public road. Any person or persons owning or possessing any horse, cow, dog, or other animal, at the time of the death of such animal, and not immediately complying with this Ordinance, he, she or they shall forfeit and pay to the Mayor and Commonalty of the Town of Fredericksburg, for every offence, the sum of Five Dollars,

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to be recovered with costs before a Justice of the Peace of said Corporation, by warrant.

3. *Be it further ordained*, That every owner or occupier of a lot on which any necessary or hog-pen now is, or shall be hereafter erected, shall constantly keep such necessary or hog-pen clean and not suffer it to become a nuisance, under the penalty of forfeiting to the Corporation aforesaid One Dollar for every day it shall remain in that situation, after having had due notice thereof from the Police Officer; to be recovered with costs, by warrant before a Justice of the Peace.

4. *Be it further ordained*, That it shall be the duty of every person on whose lot there may be a sunken place, containing stagnant water or other nuisance, to fill up or drain the same, or remove such nuisance. Any person owning or occupying property on which there may be such sunken place, neglecting to fill up or drain the same, or to remove such nuisance, within three days after notice so to do, given by the Police Officer, shall pay a fine of Two Dollars for every day he or she shall neglect to fill up such place or remove such nuisance; to be imposed by a Justice of the Peace to the use of the Mayor and Commonalty, and levied by execution against the goods and chattels of the offender.

5. *Be it further ordained*, That no person shall keep in his or her store, house, warehouse or yard, or in any other place, any fish, beef, pork, or other animal or vegetable substance, after it has become putrid or damaged in such a manner as to become offensive. Any person so offending shall forfeit and pay to the Mayor and Commonalty of the Town of Fredericksburg, two dollars for every twenty-four hours he or she shall keep such animal or vegetable substance, after having been required by the Police Officer to remove the same with out

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the limits of the Town—to be recovered by warrant or suit, as the case may require.

6. *Be it further ordained*, That it shall not be lawful for any person or persons to burn within the limits of the Town of Fredericksburg, any kiln, having in or upon it any oyster shells. Any person offending herein shall forfeit and pay to the Corporation, One Hundred Dollars for every kiln burnt contrary to this Ordinance, to be recovered by suit in any Court having jurisdiction thereof.

7. *Be it further ordained*, That it shall not be lawful for any person, bond or free, to clean fish, or otherwise improperly use the water of any of the pumps, at the said pumps. Any free person offending herein, and being thereof convicted before a Justice of the Peace, shall forfeit and pay to the Corporation Fifty Cents; and any slave offending herein, and being convicted as aforesaid, shall receive five lashes on his or her bare back, unless the sum of Fifty Cents be paid by the owner or employer of such slave.

8. *Be it further ordained*, That it shall not be lawful for any Hog to run at large within the limits of this Town. And it shall be the duty of the Constables to take up all Hogs found running at large in the town, and sell the same, at any public corner, to the highest bidder for ready money; one moiety whereof shall go to the Constable, and the other to the Chamberlain for the use of the Corporation.

9. *Be it further ordained*, That all other ordinances concerning Nuisances, are hereby repealed.

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

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Supplementary Ordinances.

(Passed August 9, 1832.)

Be it ordained by the Mayor and Common Council of the Town of Fredericksburg, That it shall not be lawful for Geese to go at large in the Town aforesaid, after the 13th day of the present month. And every Goose going at large after the day aforesaid, shall be forfeited, and the Constables shall sell the same wherever found—retain one-half of the proceeds of such sale, and pay the remainder to the Chamberlain.

(Passed February 20, 1836.)

Be it ordained, That it shall not be lawful for any person, bond or free, to throw or cause to be thrown, into any of the public streets, or into the market space, any dung or other filth, which may be offensive to the sense, or pernicious to the health of the citizens. Any free person offending herein, shall forfeit and pay to the Corporation, for every such offence, the sum of Five Dollars, and the further sum of One Dollar for every hour the nuisance may continue in the street or market space, after having had notice to remove it, to be recovered with costs before a Justice of the Peace of said Corporation, by warrant. And any slave offending herein, and being thereof convicted before a Justice of the Peace of said Corporation, shall receive on his or her bare back, any number of lashes, not exceeding twenty, unless his or her master or employer, shall pay the sum of Five Dollars for every such offence, and the further sum of One Dollar for every hour the nuisance may continue in the street or market space, after having had notice to remove it.

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(Passed July 15, 1840)

1. *Be it ordained*, That it shall not be lawful for the owner or occupier of any lot in said Town, to pass, or cause to be passed, any washing-water, dye-water, dishwater, or other dirty water there from, into any gutter on the public streets, and thence along, or through such gutter by the house on any adjacent or neighboring lot, against the consent of the owner or occupier of such house—And any person offending herein, shall, for every such offence, forfeit and pay to the Mayor and Commonalty of said Town, the sum of Two Dollars, to be recovered with cost, by warrant, before any Justice of the Peace of said Corporation.

2. *Be it further ordained*, That if any slave or servant shall offend herein, by throwing any washing-water, dye-water, dish-water, or other dirty water, into any gutter on the public streets, from the lot of his or her master or mistress, without the consent of the owner or occupier of the adjacent or neighboring lot as aforesaid; he or she, for every such offence, upon being convicted thereof, shall receive ten lashes on his or her bare back, unless the sum of One Dollar be paid by the owner or employer of such slave, for the use of the Corporation.

3. *Be it further ordained*, That all fines accruing for convictions under this Ordinance, shall enure as follows, viz: One half to the use of the informer, the other half to the use of the Corporation.

(Passed July 30, 1836.)

Be it ordained, That it shall not be lawful for any person or persons, to raise or cause to ascend, any balloon or balloons, from any lot or street within the limits of the town aforesaid, without the consent of the Mayor of said town, in writing, first had and obtained. Every

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person offending herein, shall forfeit and pay, for the use of the Corporation, to be recovered by warrant, with costs, before any Justice of the Peace of the town aforesaid, the sum of Five Dollars for every offence. If a minor commit the offence, the parent, guardian, or master of such minor, shall forfeit and pay the sum of Five Dollars; and every slave offending herein, shall receive ten lashes on his bare back, unless the aforesaid fine of Five Dollars, and costs, be paid by himself, his owner, or employer.

(Passed August 11, 1836.)

Be it ordained, That hereafter it shall not be lawful for any person or persons to put any Stallion or Jack to Mares, within the limits of this Corporation, and that any person so offending, shall pay for every such offence, the sum of Ten Dollars, to be recovered by warrant with costs, before any Justice of the Peace of the Corporation of Fredericksburg, for the use of the Corporation. Any slave offending herein, shall receive not less than ten, nor more than twenty lashes on his bare back, unless the sum of Ten Dollars be paid by himself, his master, or employer.

(Passed June 29, 1821.)

Be it ordained, That any person who shall strip and wash in the river opposite to the Town, before dark, if a white person, shall forfeit and pay the sum of Three Dollars, on conviction thereof, for every offence, to be recovered by warrant, before a Magistrate, for the use of the Corporation: if a person of color, shall receive ten lashes, on proof thereof before a Magistrate; and it shall be the duty of the Constables to give information against the offenders therein.

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(Passed March 8, 1842.)

Be it ordained, That except for such purposes as are authorised by Law, the Court-House shall not be used, nor the Town-Bell rung, unless by permission from the Mayor; And any person or persons offending herein, and convicted thereof before a Justice of the Peace, shall be subject to a fine of not less than Two, nor more than Five Dollars.

CHAPTER 25.

An Ordinance concerning Rail Roads in the Town of Fredericksburg, and to regulate the use of Cars and other Carriages upon the same.

(Passed May 14, 1836.)

1. *Resolved*, That the Richmond, Fredericksburg and Potomac Rail Road Company be allowed the privilege of using steam power in propelling the cars of said Company on the contemplated line of the Rail Road within the limits of the Corporation.

2. *Resolved*, That the said Company be allowed the privilege of laying Rails on the line which may hereafter be selected by the said Company, across the several streets, (intersecting the contemplated line of the said road,) to the River: *Provided*, That in laying the rails across the said streets, the said Company shall not be allowed to form any inconvenient obstruction to the passage of carriages along the streets, across the said rail road, nor to obstruct the passage of the water through the gutters of the said streets.

3. *Resolved*, That the constituted authorities of the Corporation, reserve to themselves the right of passing such laws and regulations, as from time to time may be thought necessary for the safety and protection of the citizens, and of their property at large.

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Supplemental Ordinance.

(Passed December 19, 1842.)

1. *Be it ordained*, That hereafter it shall not be lawful for any Rail Road Company, their officers, agents or servants, or any other person or persons, to cause any Car, Machine or other vehicle used on Rail-Roads, to be stopped in any street in the Town of Fredericksburg; or to aid, abet, or assist in stopping any Car, Machine or other vehicle used as aforesaid, in any street in the Town of Fredericksburg. And any Company, so offending, or their officers, agents or servants, or any other person or persons, shall for every such offence, pay a fine of Ten Dollars.

2. *Be it further ordained*, That hereafter it shall not be lawful for any Rail Road Company, or their officers, agents or servants, or any other person or persons, to suffer or cause any Car, Machine or other vehicle, used on Rail Roads, to remain in any street in the town of Fredericksburg. And any Company so offending, or their officers, agents or servants, or any other person or persons, shall for every hour such Car, Machine or other vehicle, shall remain in any one of the streets in the said town, pay a fine of Five Dollars, and in the same proportion for any shorter period of time any such Car, Machine, or other vehicle, shall remain in any one of the streets aforesaid.

3. *And be it further ordained*, That hereafter it shall not be lawful for any Rail Road Car, engine, carriage or other vehicle, of any kind, to be driven or propelled by steam, animal power or otherwise, upon any rail road or rail track, in any street in the town of Fredericksburg, at a rate greater than four miles per hour. And if any person or persons shall draw or propel, or cause to be drawn or propelled or shall aid, abet, or assist in drawing

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or propelling, or in causing to be drawn or propelled by steam or otherwise, any car, engine, carriage or other vehicle whatsoever, upon any rail road or rail track, in any street in the town of Fredericksburg, at a greater rate than four miles per hour, he or they so offending shall be adjudged to pay, and shall pay, a fine of Twenty Dollars.

4. *Be it further ordained*, That all obstructions to the free use of the streets, for wagons, drays, carts and other vehicles, and for foot passengers, and all obstructions of the water, through any of the gutters of the streets, which may be occasioned by the laying of any rail road or rail track, across any of the streets of the town of Fredericksburg, shall be abated and removed by the Company owning said rail road or rail track.—And for every day, any such obstruction to the free use of the streets as aforesaid, or to the free passage of the water through the gutters of the streets, shall remain, said company shall pay a fine of Five Dollars.

5. *Be it further ordained*, That hereafter, during the passage of any Rail Road Car, or train of Cars, or engine, or other vehicle on any railway, through the Town of Fredericksburg, it shall be the duty of the Conductor, or person having the charge thereof, to cause timely notice of their passage through the town, to be given by the ringing of a bell, or the blowing of a whistle.—for every failure on the part of said conductor or other person having charge of such cars or train of cars, engine or other vehicle as aforesaid, to give such notice of their passage through the Town, the Company or persons owning such rail road shall be liable and shall pay a fine of Twenty Dollars.

And be it further ordained, That all fines accruing for any violation of this ordinance, shall be sued for in the name of the Chamberlain of the Corporation, for the

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time being, and shall be recovered with costs, before any Justice of the Peace of the Corporation of Fredericksburg one half of which shall go to the informer, and the other half to the use of the Corporation.

CHAPTER 26.

An Ordinance concerning Sales of Manufactured Articles in the Streets, &c., of the Town of Fredericksburg.

(Passed June 5, 1844.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That any white person who shall sell, or expose to sale, or shall employ any slave, free negro or mulatto to sell, or expose to sale, within the streets, lanes, alleys or public squares, or lots belonging to this Corporation—any Cakes, Fruits, Pies, Candies or other edibles—small or strong Beer, manufactured Tobacco, Segars, or articles of like kind, without having first obtained a license, in due form, from the Mayor of said Corporation, shall forfeit and pay for every such offence, the sum of not less than One, nor more than Five Dollars, and also forfeit the articles offered for sale, and the costs of prosecution; to be recovered before any Justice of the Peace, in the mode prescribed by law for enforcing fines and penalties for minor offences—And it is hereby declared that proof, that a slave, free negro or mulatto, was, at the time of selling, or offering to sell, the articles above enumerated in violation of this Ordinance, in the employment of any person engaged in the manufacture and sale of such articles, it shall be deemed and taken as presumptive evidence, that it was done with the sanction and authority of the employer.

2. *Be it further ordained*, That any slave, free negro

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or mulatto, who shall be convicted before a Justice of the Peace of either of the offences enumerated in the first section of this Ordinance, shall be punished with stripes at the public whipping-post, at the discretion of the Justice trying the offender, not exceeding thirty-nine lashes.

3. *Be it further ordained*, That the Mayor of this Corporation be, and he is hereby authorised and empowered, to grant a license to any free persons over the age of twenty-one years, to sell the articles enumerated in the first section of this Ordinance, for three, six, nine or twelve months from the date of such license, upon the payment, by the applicant, to the Chamberlain of this Corporation, of the sum of Twenty Dollars, for one year, or a proportionable sum for a shorter period, the receipt therefore to be exhibited to the Mayor before such license is granted; but no license shall be granted for a period less than three months.

4. *Be it further ordained*, That all Ordinances, or parts of Ordinances, that come within in the purview of this Ordinance, shall be, and the same are hereby repealed.

5. *Be it further ordained*, That this Ordinance shall take effect, and be in force from and after the first day of July, 1844.

CHAPTER 27.

An Ordinance for the better preservation of the quiet and good order of the Town.

(Passed April 17, 1845)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That hereafter if any Slave be found in the streets of the town, or absent from the lot or premises of his or her master or owner, after half an hour from the ringing of the town-bell, at nine o'clock

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at night, without a pass or some token showing that said slave is on business for his or her master or owner; it shall be and is hereby made the duty of the Police Officers to arrest said Slave and carry him or her before the Mayor of the town, or some other Justice of the Peace, who shall order said Slave to receive not less than five nor more than thirty lashes at the public whipping-post—*Provided, always*, That the infliction of the lashes maybe remitted at the discretion of the Justice of the Peace before whom such Slave may be taken, upon the payment by the master or owner of said Slave, of a fine not exceeding two dollars, and the costs of arrest.

2. *Be it further ordained*, That hereafter if any free negro, or mulatto, be found in the streets of the town, or absent from his or her lot or tenement, after the hour named in the preceding section of this ordinance, unless upon business of urgent necessity, (to be judged of by the Justice of the Peace, before whom such free negro or mulatto may be taken,) it shall be the duty of the Police Officers to arrest said free negro or mulatto, and carry him or her before the Mayor of the Town, or some other Justice of the Peace, who shall order said free negro or mulatto to receive not less than five nor more than thirty lashes at the public whipping-post—*Provided, always*, That the infliction of the lashes may be remitted at the discretion of the Justice of the Peace before whom such free negro or mulatto may be taken, upon the payment, by him or her, of a fine not exceeding two dollars, and the costs of arrest.

3. *Be it further ordained*, That all costs for arrest and whipping, growing out of a violation of this Ordinance, shall be paid, if a slave be the offender, by the master or owner of said slave; and if a free negro or mulatto be the offender, by said free negro or mulatto, and shall

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be recoverable, by warrant before any Justice of the Peace for the town aforesaid. And all fines received for violations of this Ordinance, shall be paid over by the Justice of the Peace receiving them, as follows, viz: One-half to the Chamberlain for the use of the Corporation, and the other half to the Officer making the arrest.

This Ordinance shall be in force from and after the 30th day of April, 1845.

CHAPTER 28.

An Ordinance concerning Standing Committees.

(Passed March 22, 1836.)

1. *Resolved*, That it shall require a majority of any Standing Committee, that may be appointed by the Common Council, to concur in any act of theirs, before any such act shall be binding on the Council.

2. *Resolved*, That the Chamberlain is not authorised to pay any bill, unless such bill be signed by three members of the Committee authorised to contract it.

CHAPTER 29.

An Ordinance concerning Police Officers.

(Passed April 4, 1845.)

1. *Resolved*, That there be appointed Two Police Officers for the Corporation of Fredericksburg—and that these shall be removeable in the manner hereinafter indicated, or at the pleasure of the Council.

2. *Resolved*, That the Salaries of the said Police Officers shall be One Hundred Dollars each, to be paid upon the following conditions, and not otherwise, viz:

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That it shall be the duty of the Mayor to make a quarterly report in *writing*, of the manner in which each of the said Officers shall have discharged the duties appertaining to the office. If the said report shall be favorable the incumbent or incumbents, he or they shall be entitled to receive the salary from the Chamberlain, at the aforesaid rate. If the said report shall be unfavorable to the incumbent or incumbents, he or they shall, by virtue thereof, be removed, and shall not be authorised longer to act as Police Officer, in and for said Corporation—and in this last event; the said Officer or Officers thus offending, shall not be entitled to the salary aforesaid, and the Chamberlain is instructed to withhold the same.

CHAPTER 30.

An Ordinance concerning Market Hours.

(Passed August 10, 1838,)

Be it ordained, That Market Hours shall continue until 9 o'clock, from the, 1st of April to the 1st of September, and until 10 o'clock, from the 1st of September to the 1st of April, in every year.

CHAPTER 31.

An Ordinance respecting the Common Seal.

(Passed June 23, 1829.)

1. *Be it ordained by the Mayor and Common Council of the Town of Fredericksburg*, That the Common Seal of the Corporation of Fredericksburg shall be the same that has heretofore been used as such.

2. *And be it further ordained*, That the said Seal shall

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be affixed by the Mayor to all his official acts, to the authenticity of which the Common Seal may be necessary: And that a Tax be imposed upon every attestation under the said Seal, of One Dollar and Fifty Cents; which tax the Mayor is, by this Ordinance, authorised and required to receive, at the time of such attestation, and to pay the same from time to time to the Chamberlain of this Corporation.

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

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