covered with costs, before any justice of the peace of the said county, at the suit of the mayor and commonalty of the town aforesaid, and by them to be applied in aid of the taxes by the said mayor and commonalty to be imposed upon said town.

May assess taxes

Sec. 6. *And be it further enacted*, That the said mayor and commonalty shall have power to assess an annual tax within the said town for the purposes before mentioned, not exceeding in any year, the sum of fifty cents on every tithable, and fifty cents on every hundred dollars value of taxable property therein. And the said mayor, recorder and aldermen, or any four or more of them, shall have power to appoint a collector of such taxes, who shall give to the said mayor and commonalty for the time being and their successors, such bond and security for the collection and payment thereof, as are by law required of collectors of the county levies, and shall have like authority in making his collections, and the like compensation for his services therein, as collectors of the county levies by law have and are entitled to; and he and his securities, his and their executors and administrators, shall be subject to such proceedings, by motion or otherwise, before the court of the said county for enforcing payment of such taxes at the suit of the said mayor and commonalty, or other person entitled, as collectors of county levies are by law subject to for enforcing payment of the levies by them collected.

and appoint a collector.

May appoint town serjeant.

Sec. 7. *And be it further enacted*, That the said mayor, recorder and aldermen, or any four or more of them, shall have power to appoint a serjeant of the said town yearly, who shall have the powers of a constable as to the service and return of all process to be issued by either the mayor, recorder or aldermen when acting as justices of the peace within the limits aforesaid, and be entitled to the same fees as are, or shall be allowed by law to constables for similar services, and shall give the like bond and security as constables are by law required to give; and for any neglect or misbehaviour in his office, he and his securities shall be subject to such proceedings as constables are by law subject to.

Town serjeant when to act as sheriff.

Sec. 8. *And be it further enacted*, That, whenever, after the expiration of the present sheriffalty of the said county, there shall not be residing within the said town a sheriff, or his deputy duly qualified, then, and in such case, upon giving, before the court of the said county, such bond and security as is by law required of a sheriff for the execution of his office, such town serjeant shall have, within the limits of the said town, and every where upon the Ohio river within the said county, concurrent authority with the sheriff of the said county in the service and return of all attachments, writs original and judicial, to the said sheriff directed, and shall be entitled to the same fees as are, or shall by law, be allowed to sheriffs for similar services; and, for every neglect or misbehaviour therein, he and his securities, his and their executors and administrators, shall be subject to such proceedings, by motion or otherwise, as sheriffs by law are, or shall be subject to: *Provided nevertheless*, That such power shall only be exercised by the said town serjeant, until there shall be residing within the said town, a sheriff or his deputy duly qualified: *And provided also*, That all process against persons inhabiting within the said town shall be executed by the sheriff or his deputy.

Proviso.

Mayor, &c. misbehaving, how removed.

Sec. 9. And in case of misconduct in the office of mayor, recorder, aldermen, common council-men, 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.

Vacancies among, how filled.

Sec. 10. And in case of vacancy in the office of mayor, recorder, aldermen, or common council-men, the vacancy shall be filled up in the following manner: The recorder shall succeed the mayor, the eldest alderman succeed 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 council-men, his place shall be filled from the body of the free-holders within the town, by ballot of the mayor, recorder, aldermen and common council-men.

When they may summon common council.

Sec. 11. *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 common council of the said town, which shall consist of the mayor, recorder, two aldermen and four common council-men at least; that no law, order or regulation, shall be binding and valid, nor shall the same be revoked or altered, unless seven members concur therein.

Commencement.

Sec. 12. This act shall commence and be in force from and after the passing thereof.

CHAPTER LIII.

An ACT *forming a New County out of certain parts of Montgomery, Monroe and Tazewell Counties.*

[Passed January 16th, 1806.]

County of Giles established.

Section 1. *BE it enacted by the General Assembly*, That all that part of the counties of Montgomery, Monroe and Tazewell, contained within the following bounda-

ries, to wit: Beginning at the end of Gauly mountain on New river, where the counties of Greenbrier and Kanawha intersect; thence up the river with the Greenbrier and Montgomery line, to the intersection of Monroe line; thence with the Monroe and Montgomery line, to the upper end of Pines' plantation; thence a straight line to the mouth of Rich creek, leaving the plantation of Hugh Caperton on the right; thence with the Montgomery and Monroe line, to the intersection of Botetourt county line, and with the Botetourt and Montgomery line, to the top of Gap mountain; thence along the top of said mountain to New river, crossing the same, to the end of Walker's creek mountain; thence along the top of said mountain, to the intersection of Wythe county line; thence north-westwardly with said line, to the intersection of Tazewell line, and with the Tazewell and Montgomery line, to the top of Wolf creek mountain; thence along Wolf creek mountain to a path leading from the Round Bottom to Harman's mill, about three miles below the mouth of the Clear Fork of Wolf creek; thence a straight line to the Big Spring on East river; thence a straight line to the mouth of Militin's Fork; thence a direct line to the head of Crane creek on the top of the Flat-top mountain; thence a direct line to the Three Forks of Guyandotte river; thence down said river until it intersects Kanawha county line; thence with the said line to the beginning; shall, from and after the first day of May next, form one distinct county, and be called and known by the name of Giles County. Boundaries.

Sec. 2. A court for the said county of Giles, shall be held by the justices thereof, on the second Tuesday in every month, after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed; and a quarterly session of the said court shall be held in each of the months of April, June, September and November in every year. Court to be held on 2d Tuesday in every month.

Sec. 3. The justices to be named in the commission of the peace for the said county of Giles, shall meet at the house of George Paris in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff, according to law, proceed to appoint and qualify a clerk, and thenceforth the said court shall proceed to erect the necessary public buildings at a convenient place near the center, which shall thereafter become the seat of justice for the said county of Giles: *Provided always*, That the appointment of a clerk shall not be made, unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case, the appointment shall be postponed until some court day when a majority shall be present. Justices to meet at house of G. Paris. To qualify sheriff, appoint clerk, & erect public buildings. Proviso.

Sec. 4. It shall and may be lawful for the sheriffs of the counties of Montgomery, Monroe and Tazewell, to collect and make distress for any public dues and officers' fees which shall remain unpaid by the inhabitants of the said county of Giles, at the time the said county takes place, and shall be accountable for the same in like manner as if this act had never been made. Sheriffs of Montgomery &c. to collect former dues, &c.

Sec. 5. The governor, with the advice of council, shall appoint a person to be first sheriff of the said county of Giles, who shall continue in office during the term, and upon the same conditions as are by law appointed for other sheriffs. Governor to appoint first sheriff.

Sec. 6. The courts of the said counties of Montgomery, Monroe and Tazewell, shall have jurisdiction of all actions and suits depending before them at the time the said county of Giles takes place, and shall try and determine the same, and award execution thereon. All causes depending in Montgomery &c. to be determined there

Sec. 7. The said county of Giles shall remain in the same district with the county of Monroe, for which district courts are holden at the Sweet Springs, and be of the same brigade district, in like manner as if this act had not been made. In future elections of a senator, of a representative in Congress, and of an elector, the said county of Giles shall be of the same district as the county of Monroe. To what districts county Giles shall be attached.

Sec. 8. This act shall commence and be in force from and after the first day of May next. Commencement.

CHAPTER LIV.

An ACT *establishing several New Ferries and Increasing the Rates of others heretofore established.*

[Passed January 18th, 1806.]

Section 1. *BE it enacted by the General Assembly*, That ferries be constantly kept at the places hereafter mentioned, and the rates for passing the same as followeth; that is to say: From the land of Adam Deem opposite the mouth of Goose creek in the county of Wood, across Hughes river to his land on the opposite shore; the price for a man, four cents, and for an horse the same: From the land of Charles Magill in the county of Monongalia, across Cheat river to the forge of Samuel Jackson; the price for a man, four cents, and for an horse the same: From the land of George Several new ferries established.