

ACTS  
OF THE  
GENERAL ASSEMBLY OF ALABAMA,  
PASSED AT THE  
SESSION OF 1890-91,  
HELD IN THE  
CITY OF MONTGOMERY,  
COMMENCING  
TUESDAY, NOVEMBER 11, 1890,  
WITH A  
Separate Index to the General and Local Laws.

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THOS. G. JONES, GOVERNOR.

A. C. HARGROVE, PRESIDENT OF SENATE.

N. N. CLEMENTS, SPEAKER OF HOUSE.

I, J. D. BARRON, Secretary of State of the State of Alabama, do hereby certify that this book, containing the Acts and Joint Resolutions passed at the session of the General Assembly of Alabama, is published by the authority of the State of Alabama.

J. D. BARRON, *Secretary of State.*

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MONTGOMERY, ALA. :  
SMITH, ALLRED & Co., STATE PRINTERS AND BINDERS.  
1891.

doe or fawn, between the 10th day of January and the 1st day of November; and it shall be unlawful to catch, kill or injure, or to pursue with such intent any wild turkey between the 15th day of April and the first day of November; and it shall be unlawful to catch, kill or injure, or pursue with such intent any quail, sometimes called partridge, between the 1st day of March and the 1st day of November; and it shall be unlawful to catch, kill or injure or pursue with such intent any turtle dove between the 1st day of February and the 1st day of August; and it shall be unlawful at any time and at all seasons to catch, kill or injure or to pursue with such intent the mocking bird.

Approved January 26, 1891.

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AN ACT

[s. 50

To provide a system of Water Works for the City of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the city council of Montgomery be and it is hereby authorized to buy, or to erect and maintain, and to operate, waterworks for the supply of the city of Montgomery and its inhabitants with water, and for that purpose may issue bonds of the city of Montgomery to an amount not exceeding four hundred thousand dollars (\$400,000.00) to run such time, not exceeding thirty years from their date, and to bear such interest, not exceeding six per cent., as may be determined by said city council.

SEC. 2. *Be it further enacted,* That the bonds to be issued under this act shall be coupon bonds, bearing interest payable semi-annually or quarterly, at such place or places as may be designated therein, and shall be issued under the corporate seal of the said city, and none of said bonds shall be of a lower denomination than of one hundred dollars, and shall not be sold or disposed of by the said city council at less than par.

SEC. 3. *Be it further enacted,* That full power be and is hereby given to the said city council to enter in-

## Powers

to, and to make all needful contracts for requiring a location or locations for machinery and reservoirs, stand-pipes, buildings and other parts of such system of water works; and also, for rights of way for the erection, laying, maintenance and operation of such water works, and in the event of not contracting for such locations and rights of way, to condemn the same by judicial proceedings in the mode now or hereafter provided by law for the taking of private property by said city for use as public streets.

## Regulations

SEC. 4. *Be it further enacted*, That the said city council shall be, and is hereby invested with full power to make all proper regulations for preserving, maintaining and operating such waterworks when established, and to collect such rates for water supplied as it may deem just and proper, but not to exceed the usual and customary rates charged by other cities similarly situated, for like service; and to regulate all plumbing and drain laying, and other work done in connection with such waterworks, whether such work is done for said city council, or for persons using, or intending to use such waterworks. And the said city council shall be and is hereby authorized to extend such waterworks into any part of the police jurisdiction of said city it may deem proper, and in that event, all the powers herein given to said city council shall apply to such portion of such waterworks.

## May mortgage works

SEC. 5. *Be it further enacted*, That the said city council be, and is hereby authorized to mortgage said waterworks to secure the payment of such bonds, and the interest thereon, as may be issued under authority of this act, and said city council may, from time to time, as it may deem necessary, extend and enlarge such waterworks by erecting or purchasing additional works, this last named power of purchase being applicable to any other system of waterworks, or part thereof, now in operation, or that may hereafter be in operation in said city; and the mortgage herein above provided for may be made to cover future acquired property.

SEC. 6. *Be it further enacted*, That the bonds and coupons for interest thereon, issued under this act, shall be negotiable paper, and may be made payable to

bearer, but the holder of any of such bonds may convert the same into a registered bond by an entry on the back of said bond that the same is registered, such entry to be made in the presence of, and witnessed in writing on such bond by the said treasurer of said city, and thereafter, while such bond remains so registered, the same shall not be either negotiable or assignable, and the principal sum of all bonds so registered, and the coupons for interest thereon, shall be paid by such treasurer only to the person in whose name the same are so registered, or to the personal representative or successor in trust of such person. It shall be the duty of the city treasurer to keep a record of the bonds so registered, and any bond so registered may be rendered again negotiable by an endorsement thereon by the lawful holder thereof, made in the presence of, and witnessed by said city treasurer, that said bond has been again rendered negotiable, and the city treasurer shall thereupon note on the record of registration that such bond so endorsed, is no longer registered. Such endorsement can only be made by the person in whose name the bond is registered, or the personal representative, or successor in trust, of such person, and the city treasurer, together with the sureties on his bond, shall be liable for all damages which may result to any person by reason of allowing the endorsement of any registered bond by any person other than the person in whose name the same is registered, or the personal representative or successor in trust of such person; but in all cases in which the treasurer shall have any doubt of the right or lawful authority of any personal representative or successor in trust to make such endorsement, the treasurer may require the person claiming the right to make such indorsement, to procure, at his own expense the decree of a court of competent jurisdiction authorizing such person to make such indorsement, and such decree shall protect the treasurer from all liability for allowing such indorsement.

Bonds negotiable, or may be registered

Duties of city treasurer

Sec. 7. *Be it further enacted*, That it shall be the duty of the said city council to charge individuals and corporations who may be supplied with water from the waterworks to be purchased or erected under this act, a rate for the water used or consumed by such persons

Charge for water

or corporations, sufficient to pay the interest on said bonds which are to be issued under this act, and to collect the dues for water so used, and apply the same to the payment of such interest; *Provided*, the rates so charged and collected shall not exceed the limit prescribed by section 4 of this act; *and provided further*, that the operating expenses of said works shall first be paid from such dues.

Approved January 26, 1891.

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AN ACT

[H. 440

To regulate the pay of the Judge of Probate and Clerk of the Circuit Court of Covington county for services ex-officio.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the beginning of the next fiscal year, the judge of probate, and clerk of the circuit court of Covington county, shall be allowed as compensation for services not otherwise provided for by law, and usually denominated "ex-officio services," the sum of one hundred and twenty-five dollars per annum, to be paid as jurors are paid, without being itemized, and not to take effect until after the present terms expire.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the foregoing section, so far as they relate to Covington county, be and the same are hereby repealed.

Approved January 28, 1891.

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AN ACT

[H. 191

To repeal an act entitled an act, to establish a court of county revenues for Chilton county, approved February 28, 1887.

Act repealed SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to establish