

An Act for the government of the city of Raleigh, and for repealing all former acts passed for this purpose.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the government of the city of Raleigh shall be vested in an Intendant of Police and seven Commissioners, who shall be chosen annually on the third Monday in January, at the court-house in said city: To which end, the Sheriff of Wake county is hereby required to give ten days notice of such election by public advertisement, and to attend by himself or deputy at the place of election, by ten o'clock in the forenoon, to open the poll and receive the tickets, in the presence of two inspectors, freeholders of the city; and when the election shall be finished, such returning officer and inspectors shall, in the presence of such of the electors as chuse to attend, examine and number the ballots: And the person having the greatest number of votes for the office of Intendant of Police, shall be declared duly elected, and the persons having the greatest number of votes as Commissioners, shall be declared duly elected. And if the said Sheriff shall neglect or refuse to give the notice hereby directed to be given, or shall neglect or refuse to attend as required, by himself or deputy, on the day of election, he shall forfeit fifty pounds for every such neglect or refusal, to be recovered by action of debt, before any jurisdiction having cognizance thereof, by any person who shall sue for the same within one year after such neglect or refusal, one half to go to the informer, and the other half to the Treasurer of the city for the use of the city.

II. *Be it enacted,* That no person shall be deemed qualified to act as Intendant or Commissioner of the said city, who is not seized in fee-simple of a lot, or part of a lot, with a dwelling-house thereon, and who is not an actual resident within the limits of the city. And that no person shall be deemed qualified to vote for an Intendant or Commissioner of the city, who has not been an actual resident within the limits thereof for three months preceeding the day of election, or who does not hold a lot or part of a lot therein.

III. *Be it enacted,* That the Commissioners, and their successors in office, chosen and qualified agreeably to the directions of this act, shall be, and they are hereby incorporated into a body corporate and politic, by the name of "The Commissioners of the city of Raleigh," and by that name to have succession by the election of the freemen as by this act directed, and a common seal; and they and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain, to them and their successors for ever, in trust for said city, any lands, rents and tenements, of any kind, nature or quality whatsoever, and also grant, sell, devise, alien and dispose of the same, and to receive and take any gift or donation whatever to the said city; and also by the same name to sue and be sued, answer and be answered, in all courts of record, or if necessary before any single magistrate; and from time to time at all times hereafter, to make such rules, orders, regulations and ordinances as to them shall seem necessary, for repairing the streets, for erecting public pumps and keeping in repair those already erected; for regulating the public market, by appointing a clerk thereof or otherwise; to provide for the strict observation of the sabbath; to appoint a Ranger of the public grounds; to appoint a Constable or Constables, City Watches or Patrols, and to make them proper allowances by fee or otherwise for their services; and also to make such other rules and ordinances as to them shall seem meet for the improvement and good government of the said city: And the said rules, regulations and ordinances from time to time to alter, change, amend and discontinue, as to the said Commissioners, or a majority of them, shall appear necessary; and shall also have full power to enforce a compliance with and observance of such rules and regulations, by laying fines and penalties on those who shall refuse or neglect to conform to them, not exceeding five pounds, and in case of slaves by the punishment of not exceeding thirty-nine lashes. And the Commissioners, before they enter on the execution of their office, shall take the following oath: "I A. B. do swear that I will faithfully discharge the office of commissioner for the city of Raleigh, agreeable to law and to the best of my knowledge and judgment, so help me God."

IV. *Be it enacted,* That it shall be the duty of the Intendant of Police for the city of Raleigh, to enforce obedience to the laws and ordinances of the city; and he is hereby authorized and required to issue his warrant directed to the sheriff, deputy sheriff or city constable, to summon offenders against the same to appear before him; and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said Magistrate is hereby authorized and required to give judgment and award execution, agreeably to the laws, rules and ordinances provided for the government of the said city; which warrant or execution, the said sheriff, deputy sheriff or constable is hereby required to execute: And on such trials or enquiries, the said Intendant is hereby authorized and declared to possess all the necessary powers to administer

1863 oaths and subpoenas and examine witnesses. And the said Intendant shall take all bonds required by this act to be given by the officers of the corporation; and before he enters on the duties of his office, shall take the following oath: "I A. B. do solemnly swear, that as Intendant of Police for the city of Raleigh, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the city: All fines and amercements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals, so help me God." *Provided*, that in all cases where any person or persons shall be dissatisfied with the judgment of the Intendant, he, she or they shall have the liberty to appeal therefrom to the court of pleas and quarter sessions for the county of Wake.

V. *And be it enacted*, That if at any time the person elected Intendant of Police shall refuse to qualify, the Commissioners shall fix upon a day for another election, and the sheriff shall give ten-days notice thereof as before directed, and shall attend by himself or deputy, at ten o'clock of the morning of the day appointed, at the court-house in Raleigh, in order to proceed with the election, in the manner before prescribed, on pain of a like forfeiture for neglect or refusal. But in case any of the persons elected Commissioners shall refuse to qualify, the remaining Commissioners shall, at their first meeting (which shall be held in the same week in which they are elected) fill up the vacancy or vacancies by ballot among themselves.

VI. *Be it enacted*, That the Commissioners shall appoint one of their body Treasurer of the city for the year, whose duty it shall be to receive and account for the city monies, of which a regular entry must be made in a book kept for that purpose: And upon the appointment of a new Treasurer, the old one shall immediately pass his account with him, and pay any balance there may be in his hands: *Provided*, that before such Treasurer enters on his office, he shall give bond with approved security, payable to the Commissioners, for the faithful discharge of his duty.

VII. *Be it enacted*, That the Commissioners shall appoint a proper person to be their Clerk for the year, who shall be allowed a reasonable salary, and shall give bond with approved security, payable to the Commissioners, for the due and faithful execution of his office, and for the safe-keeping of the books and papers put into his possession; whose duty it shall be to keep a fair and regular Journal of the proceedings of the Commissioners. And all persons shall have free access to the journals and papers of the board, on paying two shillings and sixpence to the Clerk, under the penalty of twenty shillings for every refusal, to be recovered before the Intendant of Police, or any Justice of Peace for the county of Wake, within one month after such refusal, one-half to the informer, the other half to the Treasurer of the city, for the use of the city.

VIII. *Be it enacted*, That in order to raise a sufficient fund for repairing the streets of the city, and for effecting other useful and necessary purposes, the said Commissioners are hereby authorized to lay, levy and collect, annually, a tax not exceeding ten shillings on every hundred pounds value of taxable property in the said city; a tax not exceeding ten shillings on all free male polls residing within the limits of said city, and who have resided within the same three months previous to the time of giving in the annual tax list; and a tax not exceeding ten shillings on every male slave of twelve years of age and not exceeding fifty, working within the limits of the said city; and that hereafter no inhabitant of the said city shall be compelled to work on the streets thereof.

IX. *Be it enacted*, That the inhabitants of the city of Raleigh shall, on or before the first of April in every year, give in to the Intendant of Police on oath, a list of the taxable property of which they are at that time possessed, with the free male polls of their respective families (including boarders) and their male slaves working within the limits of the city; and if any person shall refuse or neglect to give in a list of their taxable property as required, he or she shall be liable to pay a fine of twenty shillings.

X. *Be it enacted*, That within one week after receiving the lists of taxable property as aforesaid, the Intendant of Police shall make a return thereof to the Commissioners, who shall thereupon appoint three respectable persons, freeholders of the city, not of their own body, as assessors to value the several lots of the city with their improvements, previous to the tax being levied upon the same. And the said assessors shall make a return of their valuation on or before the first of May. And as the citizens appointed assessors cannot with propriety value their own property, a value shall be put upon it by the board of Commissioners.

XI. *Be it enacted*, That as soon as the assessor shall have made a return of their valuation to the board of Commissioners, the board shall immediately proceed to lay the tax herein di-

rested; which having done, they shall appoint a proper person collector of the said tax, and after taking bond with sufficient security for the amount of the said tax, payable to the said Commissioners, shall place the said tax-list in his hands for collection, requiring the same to be collected by the first day of August ensuing. And the said collector shall, from time to time, pay the monies collected for taxes into the hands of the City Treasurer, after deducting five per cent for his trouble in collecting the same.

XII. *Be it enacted*, That every tenant occupying a house or houses, lot or lots, within the said city, shall be liable to pay the tax herein laid upon any such house or houses, lot or lots, and on failure of the proprietor of any lot to pay the annual tax thereon, by himself, tenant or agent, on or before the first day of August in every year, the Commissioners of the said city are hereby authorized and directed to sell the same at public vendue to the highest bidder, for ready money, first having advertised such lot or lots for sale for six weeks in the State Gazette; and after deducting from the purchase-money the tax due on each lot so sold, and the expence attending the advertising and selling thereof, the residue shall be paid, on application, to the person entitled to receive the same.

XIII. *Be it enacted*, That the necessary repairing of the streets, digging of wells, erecting of pumps, or any other public business in said city, shall be let to the lowest undertaker, at such time and place as the Commissioners may appoint, giving at least ten days notice thereof by advertisement. All proposals for executing public work to be addressed in writing to the Commissioners; but no contract for public work shall be undertaken by a Commissioner.

XIV. *Be it enacted*, That the Commissioners may grant the privilege of erecting porches or piazzas on the front of any dwelling-house already erected on the line of any public street, provided such porch or piazza does not exceed eight feet in width, or if eight feet in width has not steps in front of the same, and provided that no bar or other inclosure be erected therein which may impede the air or view: That such encroachments may be a mean of assisting the city funds, the Commissioners shall lay a tax or ground-rent on them annually, not exceeding five shillings for each foot width of the same; and the Commissioners shall annually cause every such encroachment to be measured and entered on the journals, with the number of the lot in front of which it is erected, the owner's name, and the number of feet which it is in width. The said tax or ground rent to be collected and accounted for as the other taxes are collected and accounted for. *Provided*, that no steps or sloop entering any house, or flat cellar doors without any roof over them, not exceeding four feet in width, shall be liable to pay a tax or ground-rent.

XV. *Be it enacted*, That all monies arising from taxes, fines, donations, or from any other source, for the use of the city, shall be paid into the hands of the City Treasurer; and no appropriation shall be made but by a board of at least a majority of the Commissioners; and no money shall be drawn from the City Treasurer, but by a warrant signed by the Chairman of the board, and countersigned by the Clerk of the corporation.

XVI. *Be it enacted*, That the Commissioners for the time being, are hereby declared to have full power to receive any arrears of taxes that may be due from any of the citizens, and also to recover any sum of money which may remain in the hands of any former board of Commissioners, Treasurer, Collector, Ranger, or any other person, due to the city fund.

XVII. *Be it enacted*, That it shall be the duty of the board of Commissioners to make out, or cause to be made out, annually, a fair transcript of their receipts and disbursements for the year, and put up the same at the door of the court-house in said city, for the general inspection of the citizens, one week at least previous to the day by this act appointed for the annual election of the said Commissioners. And the Commissioners failing to comply with the same shall forfeit and pay the sum of fifty pounds, to be recovered by any person who shall sue for the same within twelve months after such offence, before any jurisdiction having cognizance thereof, one half to the informer, the other half to the Treasurer for the use of the city; which sum shall be levied on the proper goods and chattels of the said Commissioners, or either of them.

XVIII. *Be it enacted*, That in case of fire breaking out in any part of the city, the Commissioners, or a majority of them, shall have full power to do what they may deem necessary to stop the progress of the calamity, even to the causing of adjoining buildings to be taken down or blown up, without being answerable for any damages to the owner or owners of property so destroyed.

XIX. *Be it enacted*, That the Commissioners shall have power to make regulations for preventing hogs running at large in the city.

XX. *Be it enacted*, That the Commissioners shall have power to prevent slaves, free negroes, or persons of colour, from keeping houses without a licence from the Commissioners; and also to prohibit citizens from dealing with slaves not having tickets from their master, mistress or overseer.

1803 **XXI.** *Be it enacted,* That no person or persons shall be licensed or permitted to sell liquors by the small measure in the said city, without the permission of the board of Commissioners previously had and obtained in writing; any law, usage or custom to the contrary notwithstanding: And that any person who shall retail spirituous liquors by the small measure in said city, without having first obtained the permission of the Commissioners as aforesaid, shall forfeit and pay the sum of ten pounds, to be recovered before the Intendant of Police, or any jurisdiction having cognizance thereof, by any person or persons who shall, within one year after the offence is committed sue for the same, the one-half to the use of the informer or informers, the other half to the use of said city.

XXII. *Be it enacted,* That the Commissioners of the city, at their first meeting, annually, shall fix their stated days of meeting for the year, which shall be at least once in every month, and if any Commissioner shall fail to attend such meeting, or any special meeting of which he may have notice in writing (unless prevented by sickness, or such other causes as shall be satisfactory to the board) he shall forfeit twenty shillings, to be recovered before the Intendant of Police, or any Justice of the Peace for the county of Wake, for the use of the city.

XXIII. *Be it enacted,* That all laws heretofore passed for the regulation of the city of Raleigh, be, and they are hereby repealed and made void.

CHAP. XXVI.

An Act to authorize the Commissioners of the town of Hillsborough to rent out part of the town commons.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the Commissioners of the town of Hillsborough for the time being, to lease or rent out, from time to time, such part or parts of the town commons, for such rent and term of years, for a time not exceeding the term of five years at any one period, the following parts of the said town common: First, one part of said common lying within the following boundaries, beginning at the north-west corner of Doctor Barnabas O'Ferrell's most westerly lot, running due west to William Whitted's line, then along said line to Eno river, thence down the meanders of said river to where it is struck with the line of the town lots, thence along the line of the said lots to the beginning: Second, that part of the said town common known by the appellation of the Race Ground, bounded on the west by the road leading from the market-house to William Lockhart's red house, thence north by William Lockhart's land, then east by Henry Watters' land, and south by the town lots. That it shall be the duty of said Commissioners, or a majority of them, to have the said parcels of land surveyed previous to the renting or leasing of the same, and also to have the same advertised for three weeks in the State Gazette, and on the court and market houses in Hillsborough, designating the day when said parcels of land shall be leased or rented out: That the said parcels of land shall be leased or rented at public vendue, at the market-house in Hillsborough, by the sheriff of Orange county, or his deputy, to the highest bidder; and that the said parcels of land at the time of vendue, be held open for bidders for one hour at least. And the money arising from such leases or rents, shall from time to time be applied to the use and benefit of the said town, under the direction of the Commissioners thereof.

II. *Be it further enacted by the authority aforesaid,* That this act shall be in force and operation from the passage thereof.

CHAP. XXVII.

An Act for the regulation of the town of Warrenton, for repealing the acts or parts of acts heretofore passed on that subject, and for other purposes.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of January next, all acts and parts of acts passed for the regulation of the town of Warrenton, be, and the same are hereby repealed and made void.

II. *And be it further enacted,* That on the first Monday in January annually, an election shall be held in the said town of Warrenton for a Magistrate of Police and four Commissioners, who shall have resided in the said town for twelve months immediately preceding the election, and shall each be possessed of one or more lot or lots in said town. All free males who have resided in the said town for six months immediately preceding an election, and are of lawful age, shall be qualified to vote thereat. It shall be the duty of the Commissioners who have last been elected to superintend and certify the election or their successors; in case of the death, refusal to act, or other cause of vacancy, a new election shall be held to supply such vacancy.

III. *And be it further enacted,* That the Commissioners elected as aforesaid, together with the Magistrate of Police who shall be considered as a Commissioner, and shall be chairman of their board for the time being, shall have power from time to time to pass such ordinances



L A W S

OR

NORTH-CAROLINA.

Robt Williams'

At a General Assembly, begun and held at Raleigh, on the 21st Day of November, in the Year of our Lord One Thousand Eight Hundred and three, and in the Twenty-eighth Year of the Independence of the said State.

Rale

JAMES TURNER, ESQUIRE, GOVERNOR.

CHAP. I.

An Act to extend the jurisdiction of a single Justice, and to amend the several Laws in force in this State relative to the recovery of Debts before a Justice of the Peace.

1803:

Preamble

WHEREAS it hath been found by experience that the extension of the jurisdiction of a single justice of the peace has contributed greatly to the advantages of the good citizens of this State; it being reasonable therefore to presume that a further extension to the amount of thirty pounds, (equal to what is usually called the Book Debt Law) would add to the advantages already felt,

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, all debts and demands of thirty pounds and under, for a balance due on any specialty, contract, note or agreement, OR for goods, wares and merchandise sold and delivered, or for work and labour done, or for specific articles, whether due by obligation, note or assumpsit, or for any judgment which may have been granted over twelve months by a single justice of the peace and no execution have issued thereon, or for any forfeiture or penalty incurred by virtue of any act of the General Assembly, are hereby declared to be cognizable and determinable by any one justice of the peace out of court; subject nevertheless to the right of appeal, as in similar cases, who may give judgment thereupon, and award process of execution for the amount of judgment, interest and costs, in the same manner as in similar cases is already or may hereafter be provided for: *Provided always,* that the stay of execution on all sums over twenty, and not exceeding thirty pounds, except as herein excepted, shall be had in the same manner and for the same time as is provided already by law for all sums over ten, and not exceeding twenty pounds.

Debt of 30l. or less by one justice.

II. And be it further enacted, That in all cases where the evidence of the debt on which a judgment may be founded, shall be that of a former judgment of twelve months standing, no stay of execution whatever shall be allowed.

No stay of execution allowed on a former execution.

And whereas doubts have arisen whether any investigation or decision can be legally had on a warrant in any case after thirty days from the date thereof, although the same may have been executed and returned in due time, and for sufficient cause shewn postponed by the justice before whom it was so returned; for remedy whereof,

III. Be it enacted by the authority aforesaid, That in future it shall be in the power of any justice of the peace within this State, on sufficient