

Acts of the North Carolina General Assembly, 1770 - 1771
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CHAPTER XVII.

An Act for the regulation of the Town of Salisbury, securing the Inhabitants in their Possessions, and to encourage the Settlement of the said Town.

I. Whereas the erecting and establishing the Town of Salisbury hath been found highly Beneficial and convenient to the Inhabitants of the Western Parts of this Province, and the same being a healthy, pleasant Situation, well watered and convenient for Inland Trade;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Town aforesaid called Salisbury, and the Common belonging to the said Town, lying on each Side of the Western Great Road leading through the Frontiers of this Province, shall be bounded and circumscribed as by a Plan annexed to a Deed of Conveyance granted by the Agents of the Right Honorable John Earl Granville, to William Churton and Richard Viggers, and by them conveyed to James Carter and Hugh Foster as Trustees, for the Use of the Justices for the County of Rowan, and other Purposes in the said Deed expressed, containing Six Hundred and Thirty Five Acres of Land, duly recorded and registered in the County of Rowan aforesaid; which Plan shall be, for ever hereafter, the true and exact Plan and Boundaries of the said Town.

III. And be it further Enacted, by the Authority aforesaid, That after the passing of this Act, the Superior Courts of Justice, to be held for the District of Salisbury, and County Courts, the Election of Representatives to be sent to the General Assembly for the Borough of Salisbury, and County of Rowan, the Election of Vestrymen for the Parish of St. Luke; and all other Public Elections for the said Borough or County, shall be made and held in the Town of Salisbury, and at no other Place; any Law, Usage or Custom to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the County of Rowan, the Clerk of the Court for the said County, and the Register of the said County for the Time being shall hold and keep their respective Offices in the said Town of Salisbury.

V. And be it further Enacted, by the Authority aforesaid, That Mr. William Steel, Mr. John Dunn, Mr. Maxwell Chambers, Mr. John Lewis Beard, Mr. Thomas Frohock, Mr. William Temple Coles, Mr. Matthew Froy, Mr. Peter Rep, Mr. James Ker, Mr. Alexander Martin, and Mr. Daniel Little, be, and are hereby appointed Commissioners of the said Town; and they or a Majority of them, shall have the same Power and Authority, as the Commissioners to be chosen by this Act shall or may have, and be subject to the same Penalties.

VI. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or the Majority of them, are hereby directed to issue their Warrant, at such Times as to them shall seem Meet, to the Overseers of the Roads and Streets, within the said Town, and the Town Common, to warn all Male Taxables within the Borough of Salisbury aforesaid, and the Liberties granted the said Borough by Charter, to clear, repair and pave the Streets: And any Person neglecting or refusing to work as directed in the said Warrant, or to furnish a good and sufficient Hand in his or their Place with proper tools, shall forfeit and pay Two Shillings and Eight Pence, Proclamation Money, per Day, for every Day he shall so refuse or neglect:

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And if any Person so appointed Overseer, shall refuse or neglect to serve as such, he or they shall forfeit and pay Forty Shillings, Proclamation Money, per Day, for every Day he shall so refuse or neglect; to be recovered by Warrant from under the Hands and Seals of the Commissioners, or a Majority of them, wherein shall be no appeal granted; and the Monies so recovered, shall be applied towards clearing and repairing the Streets, or any other Public Work in the said Town.

VII. And be it further Enacted by the Authority aforesaid, That the Commissioners or the Majority of them, shall determine all Complaints of Nuisances, lying upon the Streets, Dangers, Fire, arising from Wooden Chimnies, or any such Hazardous Buildings, and pass orders for the Removal of such Nuisances, and other Matters that shall or may incommode, hinder or interrupt, a free Passage through any of the Streets of the said Town, either for Carriages, Horse or Footman; And that no Person shall lay down, or place any Filth, Straw, or Rubbish, in any of the said Streets, except Scantling, or Stone, Brick, or Materials for Building, which shall or may be intended immediately for use; and in such Case, such Materials to be placed as near as reasonably may be to the Foundation of such intended Building; on Penalty of forfeiting Ten Shillings Proclamation Money, for each and every Offence; to be recovered and applied in Manner aforesaid.

VIII. And be it further Enacted by the Authority aforesaid, That the Owner or Owners, or Possessor of any Lot or Lots or Part of a Lot within the original Plan of the said Town, and adjoining the two Main Streets called Corbin Street, and Innis Street, and the Two other Streets running parallel with the aforesaid two Main Streets, shall grub, clear, Open, and inclose with Rails or Posts, and rail Fence such their respective Lots, at their Own Costs and Charges, within Twelve Months after the passing of this Act, and shall keep the same clean and open; on Penalty of Ten Shillings Proclamation Money, for each and every Offence. And that no Person shall build or erect any Piazza, Porch, or Balcony, fronting or adjoining the Streets of the said Town, exceeding Six Feet in Width, from the House to which such Piazza, Porch, or Balcony, adjoins; on Penalty of Five Pounds Proclamation Money, for each and every Offence; to be recovered by Action of Debt, in the Inferior Court of Pleas and Quarter Sessions, to be held for the said County by any Person who shall sue for the same. Provided such Prosecution be commenced within Two Years after the committing such Offence; to be applied as aforesaid.

IX. And be it further Enacted, by the Authority aforesaid, That no Inhabitants of the said Town shall, on any pretence whatsoever, keep any Hog or Hogs, Shoat or Pigs, running at large within the Bounds of the said Town, on Penalty of forfeiting such Hog or Hogs, Shoat or Pig, and paying the Sum of Twenty Shillings, Proclamation Money, to the Party aggrieved; and further, that it shall and may be lawful for any Person whatever, after the Tenth Day of March next, to shoot, kill, or otherwise destroy such Hog or Hogs, Shoat or Pig, so running at large within the said Town.

X. And to prevent Dangers arising by Fire, Be it Enacted, by the Authority aforesaid, That each and every Householder within the said Town of Salisbury, shall procure or cause to be procured, two sufficient Leather Buckets, and a Ladder and keep the same in continual readiness against any Alarm that may be given, occasioned by the breaking out of Fire at any Time in the said Town; on Penalty of paying Twenty Shillings Proclamation Money.

XI. And whereas the Too frequent Custom of immoderate riding Horses, and driving of empty wagons and Carts in and through the said Town, is

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found to have a very dangerous tendency: To prevent which, Be it Enacted by the Authority aforesaid, That no Person or Persons from and after the passing of this Act, on any Pretence whatever shall immoderately ride or strain any Horse or Mare, or drive any empty Waggon or Cart in or through the said Town or any of the Streets thereof; on Penalty of forfeiting and paying the Sum of Five Shillings Proclamation Money, for each and every Offence; to be recovered by Warrant, from under the Hand and Seal of any Justice of the Peace of the said County.

XII. And for the better and more effectual securing the Titles of the several Lots in the said Town in the Possessors thereof; Be it Enacted by the Authority aforesaid, That all Titles heretofore made to any Lot or Lots, or to any Part of a Lot (except one Lot in the said Town, heretofore received, and known by the Name of the Burying Ground) by James Carter and Hugh Foster, Trustees aforesaid, to any Person or Persons, the same being duly registered; and all titles made by the said Hugh Foster since the Death of the said James Carter, and registered as aforesaid, shall and is hereby declared to be good and valid in Law, to any such Purchaser or Purchasers, their Heirs and Assigns: Any Law, Usage, or Custom to the contrary, notwithstanding.

XIII. And whereas the Titles to several Lots lying and being in the Town of Salisbury, have by Reason of the Deeds not being duly registered, and other Circumstances, been brought into Dispute; Be it therefore Enacted by the Authority aforesaid, That all Deeds of Lots of Land, lying and being in the said Town of Salisbury, which shall be registered within Two Years from the passing of this Act, shall be good and sufficient in Law for so much as they were intended to convey; and shall have every Effect that they could have had if they had been registered within the Time by any Act of Assembly directed for the saving of the said Lots to the Proprietors.

XIV. And be it Enacted by the Authority aforesaid, That no Possession, except under Deeds from the Commissioners of the said Town, shall operate to give a Title to any Persons who have occupied or improved, or who now occupy or improve such Lots, against any Persons who have, bona fide, received and taken Deeds from the Commissioners of the said Town for the same.

XV. And be it Enacted, by the Authority aforesaid, That the aforesaid Lot, reserved and Known by the Name of the Burying Ground, be forever hereafter reserved for that Use only; and the Title thereof Vested in the Commissioners of the said Town, for the Time being, for the Uses and Purposes aforesaid.

XVI. And be it further Enacted, by the Authority aforesaid, That each and every Possessor of any Lot or Lots, or Part of a Lot, within the Original Plan or Map of the said Town, and adjoining either side of the two Streets called Corbin and Innis Street, who shall not, within the Term of Three Years after the passing of this Act, erect and build, or cause to be erected and built, a House of the Dimensions of Twenty Four Feet by Sixteen in the Clear, of Brick, Stone, or Frame, or Hewed logs, with either a good Brick or Stone Chimney, shall forfeit the said Lot or Lots, or Part of a Lot: And that any Possessor of any Lot or Lots adjoining the Two Streets, running parallel with the said Streets called Corbin and Innis Street, and within the said Plan, who shall fail to erect and build a House of the Dimensions aforesaid, with such Chimney, within the Space of Four Years, shall likewise forfeit such Lot or Lots; and the Commissioners aforesaid shall, and are hereby impowered and authorized, to enter upon and seize such

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forfeited Lot or Lots, or Part of such Lot, and to sell the same to any other Person, who shall purchase the same: And the said Commissioners, or the Majority of them, are hereby invested with full Power and authority to convey the same to some Purchaser; which Sale shall be good and Valid in Law to such Purchaser, his Heirs and Assigns, forever. Provided always, That nothing herein contained shall be construed, deemed, or taken, to affect or invalidate the Claim or Title of any Infant or Feme Covert.

XVII. And be it further Enacted, by the Authority aforesaid, That in Case of the Death or Removal of any of the Commissioners heretofore in this Act mentioned, that then it shall and may be lawful for the Justices of the Inferior Court of Rowan County, to appoint one or more Commissioner or Commissioners, in the Room of him or them so deceased or removed; which Commissioner or Commissioners, so appointed as aforesaid, shall, and is hereby declared to have as full Power and Authority, as the Commissioners appointed by this Act.

XVIII. And be it further Enacted, by the Authority aforesaid, That the said Commissioners appointed by this Act, or to be hereafter appointed, before they enter in and upon the Execution of their Office, shall take the following Oath, to-wit:

I, A. B., do swear, that I will execute the Office of a Commissioner for the Town of Salisbury, faithfully and truly, without Favour or Prejudice, and in all Things act for the Good of the said Town, and the well governing thereof, to the best of my Skill and Judgment, according to law. So help me God.

XIX. And be it further Enacted, by the Authority aforesaid, That the several Inhabitants of the said Town, their Servants and Slaves, Travellers and others, shall have free Access to all Springs, and Natural Fountains of Water within the said Town, and Town Common, without the Hinderance, Let, or Interruption of the Owner or Owners of such Lot or Lots or Common, whereon such Springs or Natural Fountains of Water are situate; and that the said Springs and Fountains of Water be, and are hereby declared to be free to all Persons, to supply themselves with water therefrom, to supply their several Uses; and that it shall and may be lawful for the Inhabitants of the said Town, their Servants or slaves as aforesaid, to cut, sell and appropriate, to his or their own Use, for Fire Wood, or Timber, for building in the said Town, any Tree or Trees now standing or being on the said Town Common without the Hindrance of any Person whatever.

XX. And be it further Enacted, by the Authority aforesaid, That the said Commissioners or the Majority of them, or their Successors, are hereby impowered, to lay out, and appoint a Proper Place in the said Town, for erecting and building a Market House, or other Public Buildings in the said Town.

XXI. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures that shall hereafter be recovered in Virtue of this Act, the Method whereof is not hereinbefore expressed, shall be by Warrant from under the Hands and Seals of the said Commissioners or the Majority of them, and applied as in this Act directed.

