

Sec. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 18th of January, 1847.]

TOWNS & TOWN REGULATIONS.

CHAPTER CXCIX.

An Act for the incorporation of the town of Washington.

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 Thomas H. Hardenbergh, John W. Latham, Henry A. Ellison and James Avent, commissioners for the town of Washington, and their successors in office chosen in the manner hereinafter provided for, be, and they are hereby created a corporation and body politic, under the name and title of the commissioners for the town of Washington, with full power to make by-laws not inconsistent with the constitution of the State or of the United States, to contract and be contracted with, to sue and be sued, to plead and be impleaded, by that name and title; and they are hereby invested with all other powers and rights necessary or usually appertaining to municipal corporations.

Sec. 2. And be it further enacted, by the authority aforesaid, That the said Thomas H. Hardenbergh, John W. Latham, Henry A. Ellison and James Avent, shall continue to hold their offices as commissioners of the town of Washington, until a new election for commissioners of said town shall take place as hereinafter provided for.

Sec. 3 That hereafter the board of commissioners for the said town of Washington shall be composed of Intendant of Police and four commissioners. The intendant of police shall be elected annually and serve until another shall be elected and qualified; he shall be ex officio president of the board of commissioners, and have one vote therein. At the first election held in pursuance of this act, there shall be elected four commissioners for said town, who immediately after being qualified, shall be divided into two equal classes, one class of which [shall] serve one year and the other class

shall serve two years, so that one half of the number of commissioners may be elected annually; and in every year thereafter, there shall be elected two commissioners for said town of Washington, who shall serve two years, or until their successors are elected and qualified.

Sec. 4. That the election for intendant of police and for commissioners for the town of Washington shall be held at the court house or such other place in said town as may be officially appointed and advertised on the last Monday in January in each year: That the sheriff of Beaufort county or a deputy by him appointed, or in case of a vacancy in the office of sheriff, the coroner of said county or a deputy by him appointed, shall advertise said election at least twenty days before the said last Monday in January 1847, and at least twenty days before the last Monday in January in every year thereafter, and shall attend at the said court house or other place as appointed and advertised on the said day of election, and at the hour of ten in the morning shall open the polls of election in the presence of two inspectors appointed and qualified as hereinafter provided for; shall receive the tickets and shall put those for commissioners of said town in one box, and those for intendant of police of said town in another box, provided for that purpose: each inspector shall personally or by an agent chosen by him and duly sworn before some justice of the peace, take down in one list the names of persons voting for commissioners of said town, and in another list the names of the persons voting for intendant of police of said town. And the said sheriff shall in presence of said inspectors at the hour of five in the afternoon close the said polls, and at the said court house (or place so appointed and advertised as aforesaid) in the presence of such of the electors as shall choose to attend, open the boxes containing the tickets, examine and number the ballots and read aloud what appears on each, and shall declare the person receiving the greatest number of votes for the office of intendant of police duly elected intendant of police of said town, and shall on demand give a certificate to that effect, and shall declare the (four others) persons receiving the greatest number of votes for the office of commissioners duly elected commissioners of said town, and on demand give them certificates to that effect: when two or more persons shall have the same number of votes, the said sheriff or deputy or coroner or deputy shall give the casting vote; but the said sheriff or coroner, if holding the election, shall not vote in any other case whatever; and the said sheriff or in case a vacancy in the office of sheriff the said coroner shall for every neglect or refusal to obey the requirements of this section by himself or by the deputy, by the said sheriff or coroner respectively appointed to hold said election as aforesaid, forfeit and pay two hundred dollars to any person who shall sue for and recover the same, in any court having jurisdiction

thereof: Provided, that said suit shall be commenced within six months after the cause of action occurred. The said inspectors shall be appointed by the court of pleas and quarter sessions for the county of Beaufort at the terms immediately preceding the days above fixed for holding said elections; and in case of a neglect by said court to appoint, or of a neglect or refusal by said inspectors or either of them to attend or act on the day of election, then they, or in case one only shall neglect or refuse to attend or act, a substitute for the one so acting or refusing shall be appointed on the day of election by one justice of the peace for said county, called on by the officer holding said election to make the appointment. Any persons neglecting or refusing to act as inspector, when appointed in either of the ways aforesaid, shall forfeit and pay twenty dollars to any person who shall sue for and recover the same before the intendant of police for said town, or any justice of the Peace for said county: Provided suit be brought within six months next after the cause of action occurred:

Sec. 5. That no person shall be eligible to the office of intendant of police or commissioner of the town of Washington except a white male citizen of the full age of twenty one years, who shall have resided in said town six months next preceding the day of election, and who shall possess and continue to possess in fee real estate in said town, assessed for taxation at a sum not less than five hundred dollars; and no coroner, sheriff or constable or any deputy of either of those officers shall be eligible as intendant of police.

Sec. 6. That every white male inhabitant of the town of Washington of the age of twenty-one years, who shall have resided in said town six months next preceding the day of election and shall have paid a town tax, and also all white male citizens of the State of North Carolina of full age who shall possess in said town real estate assessed for taxation at a sum not less than five hundred dollars, shall be entitled to vote for the intendant of police and commissioners of said town.

Sec. 7. That if a vacancy shall at any time happen in the office of intendant of police or commissioner, by refusal of the elect to qualify, by resignation or otherwise, it shall be the duty of the said board of commissioners within one month after the happening of such vacancy to elect some suitable person to fill the same; and any intendant of police or commissioner so elected shall have the same privileges, powers and emoluments as if chosen by the people.

Sec. 8. That on the next day after their election, the intendant of police and commissioners shall meet at the town hall or some other place agreed upon by them and shall there qualify by taking each an oath to support the constitution and laws of the State, and to discharge the duties imposed on them by the law with fidelity and integrity and to the best of their ability, which oath shall be ad-

ministered to the intendant of police by some justice of the peace and by the said intendant to the commissioners, or in case of a neglect or refusal by him, then by some justice of the peace.

Sec. 9. It shall be the duty of the intendant of police to see that the laws of the State and the ordinances of said commissioners are obeyed and executed within said town. He shall have power to issue warrants directed to the town sergeant (whose appointment is hereafter provided for) or to the sheriff or any constable of said county, founded on complaint of a breach of any laws relating to said town or any of the ordinances of said commissioners, or brought for the recovery of any penalty or penalties given by said laws or ordinances for the arrest of the person or persons complaining against; to hear and determine said complaints on the return of the warrants, under the same rules and regulations as are by law provided for trials before single justices of the peace; to give judgments on said warrants, and issue execution thereon, which judgment shall be final, unless appealed from, in the manner hereinafter provided for. The said intendant shall also be a peace officer, and shall have within the limits of said town all the powers of a justice of the peace and of a constable for the preservation of the public peace, detection, arrest and punishment of offenders. The said intendant shall further have summary jurisdiction to hear and determine all breaches of the peace occurring within the limits of said town, not above the grade of misdemeanors, and to punish all offenders, if free white persons by a fine not exceeding twenty dollars, or by imprisonment not exceeding twenty days; if free persons, but not white, then by fine or imprisonment as above or by a whipping not exceeding thirty nine lashes; if slaves, by a whipping not exceeding thirty nine lashes; and the owner or managers of said slaves shall receive reasonable notice of the time of trial and a copy of the warrant for the arrest of said slaves, and in case of their conviction shall be liable for the costs thereof: *Provided nevertheless*, that it shall and may be lawful in all cases for the person (or persons or in case of slaves their owners or managers) against whom the said intendant of police shall give judgment or pass sentence by virtue of the summary jurisdiction hereby given, or for breach of law or laws relating to said town, or of any ordinances of said commissioners, or for any penalty or penalties given by said law or ordinances, to appeal from said judgment or sentence to the superior court of law for the county of Beaufort, first entering into recognizance with good security before the said intendant for the appearance of said appellant or appellants before the judge of the said superior court at the next term thereof, and for his or their performing and abiding the judgment of the said superior court. And the said person or persons praying said appeal shall be allowed ten days to obtain the said surety: *Provided*, that execution may nevertheless issue on said judgment or sentence forth-

with; and nothing herein contained shall be so construed to stay the same. The said intendant of police is further hereafter vested with the same jurisdiction and powers over all other offences committed by slaves as is now by law given to a justice or justices of the peace out of court, under the same rules, regulations and restrictions as are provided in those cases. And the said intendant of police shall keep a faithful minute of all process issued by or returned before him and of his judgment or sentence, and all the proceedings thereon in a bound book, and deliver the same to his successor. In case of an appeal duly taken from any judgment or sentence of said intendant, he shall return the original and all other process in said court, together with a copy of his minutes of his judgments or sentence and of all the proceedings therein to the term of the court to which said appeal shall be taken next ensuing the taking of said appeal, on the first day of said term. The intendant of police whilst in town shall further have the same jurisdiction and power for the trial of all civil matters and controversies as is given to single justices of the peace, and he shall proceed under the same rules and regulations as are by law prescribed for them; and he shall in all cases tried before him be entitled to receive from the person against whom judgment shall be given like fees to those given to the special justice, authorised to be appointed in the county of Beaufort, by an act of the General Assembly, being chapter seventeen, of the acts passed at the session which began on the eighteenth day of November 1844. And the board of commissioners may, if they deem it expedient, allow the said intendant of police an annual salary not exceeding the sum of two hundred dollars, to be paid out of the town treasury.

Sec. 10. That the said board of commissioners shall meet at the town hall (or some place to be appointed by them) on the first Monday in every month, and at such other times as may be agreed on from time to time by them; and a majority shall constitute a quorum for the transaction of business.

Sec. 11. That at the first meeting of said board of commissioners after their election, they shall appoint a clerk, who shall be allowed a reasonable salary to be fixed by said commissioners, who shall hold his office until the expiration of the official term of said commissioners, subject however to be removed by them at any time for misbehavior: said clerk shall give a bond with surety payable to the said commissioners and their successors in office in a penal sum to be fixed by them, with a condition for the keeping by him of regular and fair minutes of the proceedings of said commissioners at their meetings, and the safe keeping of all books, papers and articles committed to his custody during his continuance in office, and their delivery to his successor, and the faithful performance of all his other duties as clerk, which may be imposed on him by law or the ordinances of said commissioners. The said bond shall be filed with the intendant

of police and shall be subject to the order of said commissioners.

Sec. 12. That at the same meeting, the said board of commissioners shall appoint a town treasurer, who shall hold his office for the same term and subject to the same conditions as the clerk above provided for holds his. He shall before assuming his office give a bond with approved securities, in a penal sum to be fixed by said commissioners payable to said commissioners and their successors in office, with a condition that he shall receive and faithfully keep all monies which shall be paid to him on behalf of said commissioners, and disburse the same according to order given in obedience to the direction of said commissioners appearing on their minutes: That he shall keep a fair and correct account of all monies so received and disbursed by him, in a book kept for that purpose: That he shall submit said account to said commissioners whenever required to do so, and that he shall pay to his successor on demand by him all monies in his hands belonging to said commissioners, and that he will faithfully perform all other duties imposed on him as town treasurer by law or the ordinances of said commissioners, during his continuance in office; the said commissioners shall allow the said town treasurer a reasonable compensation for his services: that the orders drawn on the town treasurer by the clerk shall state the purpose to which the money is to be applied, and the said town treasurer shall specify said purpose in general terms in the account kept by him, and also the sources whence the monies received by him are derived; and said commissioners shall cause a copy of said account for year preceding every 1st day of December to be made by their clerk and posted in the court house in said town for twenty days next previous to the first day of January in each and every year: and for breach of their respective duties assigned them in this section, the said commissioners, clerk and town treasurer, shall be liable to indictment.

Sec. 13. That at the first monthly meeting of said commissioners after the appointment of said clerk and town treasurer, those officers shall respectively report to the commissioners the particulars of their settlement with their respective predecessors in office.

Sec. 14. That the said commissioners shall also appoint a collector ^{of} town taxes, who shall hold his office for the residue of the term of commissioners appointing him, and who shall give bond with approved security payable to said commissioners and their successors in office, in a penal sum to be fixed by said commissioners, with a condition that he will diligently endeavor to collect all taxes imposed by said commissioners, making use for that purpose all the powers given him by law, and that he will faithfully account for and pay over to the town treasurer all sums of money collected or received by him for said commissioners, first deducting five per centum on his receipts as his compensation, and that he will faithfully discharge all other duties imposed on him as tax collector by law or the ordinances of said commissioners.

Sec. 15. That the said commissioners shall at their first monthly meeting after their election appoint a town sergeant, who shall hold his office for the residue of the official term of the commissioners who appoint him, subject to be removed by them at any time for misbehaviour. He shall give a bond in a penal sum to be fixed by said commissioners payable to said commissioners and their successors in office, with a condition, that he shall obey and diligently execute all lawful precepts to him directed by the intendant of police for said town, and that he will faithfully discharge all other duties which may be imposed on him as town sergeant by law or the ordinances of said commissioners, and that he will diligently endeavor to carry into effect all such ordinances. It shall be the duty of said town sergeant in general to see that the ordinances of said commissioners are enforced and report all breaches thereof to the intendant of police; to preserve the peace of said town by the suppression of disturbances, and the apprehension of offenders, and for that purpose he shall have and he is hereby vested with all the powers now vested by law in sheriffs or constables for these ends: He shall also have, in the execution of process to him directed by the said intendant of police, the same powers which sheriffs and constables now have in the execution of like process directed to them; he shall receive a compensation to be fixed by said commissioners and the same fees on all process, executed or returned by him, which are given to constables in like process when executed or returned by them.

Sec. 16. That vacancies in the offices of town clerk, town treasurer, tax collector and town sergeant, may be filled by said board of commissioners at any time.

Sec. 17. That the said town clerk shall within the first seven days in July in each and every year advertise for four weeks in one or more newspapers published in said town, or for want of newspapers, in three or more public places therein, notifying all persons subject to pay a poll tax to the State, who reside within the limits of said town on the first day of April immediately preceding, or who had been principally employed in any profession or vocation within said town for three months or more immediately preceding the said first day of April, and all persons who owned or were possessed of taxable property within said town on the said first day of April, to give unto him before the last day in the said month of July a list of their said polls and taxable property; and it shall be the duty of all such persons to give in said list within the time specified: said list shall state the number and local situation of the lots or part of lots given in, with the value at which the same are assessed for taxation by the State, the number of white taxable polls, of taxable slaves and of taxable free negroes residing on the said first day of April on the lands of the persons giving in said lists. And the lists so given in to the town clerk shall be sworn to before him (and he is hereby authorized to administer the oath) by the persons giving in the same. The

said lists shall be filed, and from the same the said town clerk shall within twenty days from the said last day of July in each and every year make, in a book to be kept for that purpose, an alphabetical list of the persons and owners of property liable to taxation, in the same manner as tax lists are now made out by law for collection of State taxes. The said clerk shall also, within twenty days from the said last day of July in each and every year, make out to the best of his knowledge, in the same book, a list of taxable polls and of the owners of taxable property within said town, who have failed to give in a list in the manner and within the time prescribed above; and he shall state in said list, if he can ascertain the sum at which the said property is assessed for taxation by the State, and if the said clerk cannot ascertain the sum at which said property is assessed for taxation by the State, he shall call on two freeholders of land in said town to value the said property, and they shall be sworn by some justice of the peace to make a fair valuation; and the said clerk shall annex their valuation to said property. That all persons who shall fail to give in tax lists in the manner and within the time above prescribed, shall pay a double tax for that year; the amount of which double tax shall be stated by said clerk in his said list.

Sec. 18. That on or before the first day of August, in each and every year, the said board of commissioners, shall cause the said town clerk to make a fair copy of said list, made by him as aforesaid; and they shall deliver the said copy to the tax collector, together with a warrant, under their hands and seals, of those, or a majority of them, authorising and directing said tax collector to collect said taxes in said list mentioned, and to make return thereof, and of said warrant, on a certain day to be therein mentioned; and the said tax collector is hereby vested with all the powers and rights for the collection of said taxes which sheriffs have for the collection of State taxes; and said tax list and warrant shall be of the nature of a judgment and execution for the taxes therein mentioned.

Sec. 19. That the said board of commissioners shall have power annually to levy and cause to be collected in the manner above prescribed the following taxes, that is to say: a tax not exceeding fifty cents on every hundred dollars value of all the lots and parcels of land, with the improvements thereon, situated within the limits of said town; a poll tax not exceeding one dollar and fifty cents on every poll liable to pay a tax to the State, who has resided or been principally employed within said town for three months immediately prior to the first of April in each and every year; and all taxes laid on polls and real estate shall be in that relative proportion; a tax on all public carts, drays or wagons not exceeding three dollars on each; a tax on all dogs being kept in said town, not exceeding three dollars on each; a tax on all hogs, whether running at large in said town or confined in lots or pens therein, and whether owned by per-

sons residing within said town or by any other person whatsoever, not exceeding three dollars on each hog; and in laying said tax, said commissioners may discriminate between hogs running at large and hogs confined in lots or pens; a tax on all steps, stoops, porches or piazzas encroaching more than three feet on the public street or side walk; all other taxes which said commissioners may deem necessary or proper for carrying into effect any municipal or police regulations which may be made by them; and said commissioners shall have power to make all necessary or proper rules, regulations or ordinances for the giving in of the taxable articles aforesaid, and the laying and collecting the taxes thereon.

Sec. 20. That it shall be the duty of the said board of commissioners to preserve in good order the fire engines and other implements for the preventing or extinguishment of fires now belonging to said town, and to purchase others from time to time as it may become necessary; and to procure suitable houses for their sale keeping: That they shall have power to organize as many fire companies in said town as they may think proper from time to time, in the following manner, viz: they shall cause a list to be made of all the free white male inhabitants of said town above the age of eighteen years, except those who have served in a fire company the preceding year and those who are not entitled to be exempted from service by age or infirmity, or by reason of belonging to some volunteer fire company, now existing or which may hereafter be created in said town. They shall fix the number required in each company, which they design to organize; and from the names composing the said list, they shall cause to be drawn a number sufficient to form the different companies, arranging the names belonging to each company in separate lists as they shall be drawn out; they shall assign to each company its engine, and appoint to each its proper officers, from the persons composing the same. The persons whose names are thus attached to the several companies, shall have notice thereof in writing, and shall serve in their respective companies for one year from the time of said draft. They shall obey all by-laws, rules and regulations which said commissioners shall from time to time make for the government of said companies, and be subject to pay all fines and penalties which said commissioners may from time to time impose, for the breach of such by-laws, rules or regulations; and they shall, during the period of their enlistment, be exempt from militia duty, except in case of insurrection or invasion, or of a draft in time of war. The said commissioners shall have power to loan the fire engines belonging to said town, to such volunteer fire companies as may be formed or now exist therein, on such terms as to them may seem reasonable.

Sec. 21. That in case of a fire occurring in said town, it shall and may be lawful for the captains or commanding officers of any

two fire companies, whether formed under this act or otherwise, incorporated by law, to order blowing up, pulling down or destruction of any house or houses, which they shall deem expedient to be blown up, pulled down or destroyed, for the purpose of stopping the progress of the fire; and no person or persons whatsoever shall be held liable, civilly or criminally, for acting, in such cases, in obedience to the orders of any two captains or commanding officers of fire companies: *Provided*, that when there shall be a chief engineer or an assistant engineer present at a fire, the above granted authority shall not be exercised by said captains.

Sec. 22. That the board of commissioners aforesaid shall have power and authorise, in such manner as they may ordain, the formation of one or more volunteer fire companies in said town, to be attached to the engine belonging to the corporation thereof, or to one or more individuals. They may enact by-laws for the government of said companies, which, when adopted by any company, the members thereof shall be governed by the same and be liable for all the fines and penalties thereby incurred. Any volunteer fire company so formed shall be entitled to elect its own officers, and the members thereof shall be exempt from military duty, except in case of insurrection, invasion or of draft in time of war.

Sec. 23. That the board of commissioners aforesaid, may if they deem it expedient, appoint a chief engineer and two assistant engineers, to be denominated first assistant and second assistant, who shall hold their respective offices for one year, for the fire department of said town. The chief engineer shall be captain general over all the fire companies in said town and shall have authority to order out, on one day in a year, all the fire companies, with their apparatus, for general exercise: He shall have authority to order the destruction of any house or other structure, whenever he may deem it necessary for the purpose of arresting the progress of any fire which may be raging in said town; and no person or persons whatsoever shall be held liable, civilly or criminally, for acting, in such case, in obedience to the orders of said chief engineer, or the assistant engineers. The assistant engineer shall act under the direction of the chief engineer, when he shall be present and commanding; and in his absence, the first assistant shall command; and in the absence of both chief and first assistant engineer, the second assistant shall command; and in such cases, or when either of the assistant engineers shall be acting at a fire at a distant place from the commanding engineer by his order, the said assistant engineers shall have the same authority as is hereby vested in the chief engineer. And the said commissioners shall enact ordinances for the government of said chief and assistant engineers and of the said fire companies, whenever called out by an alarm of fire, or by general order of the chief engineer or the assistant engineers.

Sec. 24. That the board of commissioners of said town shall have

power to organize a night watch for the said town, either by hiring persons to act as such and paying them out of the treasury of said town, or in the following manner, as they sha'll deem expedient : They shall cause the names of all the free white male inhabitants of said town above the age of eighteen years, except those whom they may think proper to exempt by reason of poverty joined with old age or infirmity, to be written on slips of paper and drawn by lot; and shall range them in a list in the order in which they shall be drawn: This list so made, they shall divide into sections of an equal number, (not exceeding five) of persons in each, and the sections so formed shall take their respective turns in watching in town by night, in the order in which they stand on said list: *Provided*, that it shall be lawful for any person to procure a substitute (from among those liable to watch) for whose good conduct, during the time of service, he shall be responsible; the said commissioners shall appoint from the persons composing each section a captain to the said sections. The town clerk shall make out and the town sergeant shall deliver to each of the persons composing said sections reasonable notice, in writing, of the particular nights on which he is required to watch, of the persons with whom and of the captain of the section under whom he is to serve. It shall be the duty of the persons so notified to meet at nine of the clock on the nights specified, at the town hall, or some other place appointed by said commissioners and specified in said notice, and to watch through the town until day break the next morning; to preserve the peace of said town; to arrest, if necessary, all offenders against the laws and imprison them, if necessary, in some convenient place, until ten of the clock on the ensuing morning. They shall obey the lawful orders of the captain of their particular section; they shall have, whilst on duty, all the powers which patrols now have by law : And for the suppression of riots and disturbances, and the preservation of the public peace, all the powers now vested in constables as peace officers and for those ends. That in case of the absence of the captain of the section appointed by the commissioners as aforesaid, the person whose name is next on the list shall be captain in his place, and be vested with all powers herein given him; between the hours of nine and eleven of the clock on the morning ensuing, the service of any section the captain commanding said section, shall make a report to the intendant of police, in which he shall state the name or names of all persons of his section who failed to attend or discharge his or their duty on the preceding night, the names, with particulars, of the offences of all persons detected in breaches of the law or arrested by said watch; and shall bring before said intendant, all persons who shall have been imprisoned by said watch, and the said intendant shall forthwith hear and determine on all the cases so reported to him; and shall deal with the offenders according to the nature of each case. All persons who shall be ap-

pointed and notified to watch in the manner above provided, and who shall neglect or refuse to do so, or who, if a captain of any section, shall fail, neglect or refuse to make a full and true report in the manner and at the time above prescribed, shall forfeit and pay the sum of two dollars for each and every offence, to be recovered by action of debt, in the name of the commissioners for the town of Washington, before said intendant of police, or before any justice of the peace for said county; provided suit shall have been brought within three months next after the cause of action shall have accrued; and provided that proof of notification in the manner above prescribed, shall be *prima facie* evidence of the regularity of the appointment; and it shall be the duty of said intendant in all such cases, to issue his warrant for the recovery of said forfeitures. In case the said commissioners shall hire a watch, the said watch and the several divisions thereof, and the commanding officers of said divisions respectively, shall have the same powers and authority for the preservation of the public peace and the suppression and punishment of offences, as are above given to the several sections of the watch enlisted as aforesaid, and to the captains of said sections; the said commissioners shall have power to make such other and further rules and regulations for the government of the watch, not inconsistent with the foregoing and to impose such other and further forfeitures for the breach thereof, and of the foregoing, as they shall think proper.

Sec. 25. That the said board of commissioners shall have power to cause to be executed the laws of this State on the subject of quarantine and health. They shall have further power, by ordinances, to prohibit all persons recently from any place or places where an infectious or contagious disease is believed to exist or recently have existed, from entering and all goods and chattels from being brought from said place or places, within said town; and by ordinances to fix a penalty for the breach of any of the rules established by them on this subject, which penalty shall be recovered from any and all persons who are liable thereto, by action of debt, in the name of the commissioners of the town of Washington, in any court having competent jurisdiction. The said commissioners shall also have power to take such other precautionary measures to prevent the introduction of infectious or contagious diseases in the said town, as they may deem expedient: said commissioners, upon the certificate of a physician, that a dangerous and infectious or contagious disease is existing in any house within said town, or in case the occupier of any house suspected to contain such disease, shall forbid or prevent the visit of a physician sent by said commissioners for the purpose of examination, shall also have power to forbid and prevent all persons from leaving said house and its enclosures, and take such other steps to prevent communication with the persons so infected, and to arrest the spread of the diseases, as

they may deem expedient, and to impose such penalty or penalties for the breach of their ordinance or ordinances made for that purpose, as they shall think proper. At any time, upon the certificate of a physician that any slave or free negro is sick with a dangerous and infectious disease within said town and that he can be removed without endangering his life, the said commissioners shall have power to cause said slave or free negro to be removed and confined to some convenient and proper place without said town, and shall cause him to be there attended to as befits his situation; and it shall be lawful for them to sue for and recover from any free negro or from the owner of any slave so removed, the expense of his or her removal, support, nursing and medical attendance during the time of his or her sickness; and also, in case of his or her death, the expenses of burial, by writ, in the name of the commissioners for the town of Washington, in any court having competent jurisdiction. And any and all persons attempting to prevent or resisting the removal of said slaves or free persons from said town, shall be liable to indictment in the superior court of law for the county of Beaufort, and, on conviction, punished as for a misdemeanor. The said commissioners shall have further power to impose such punishments on all slaves or free negroes violating this section or any of the ordinances of said commissioners made by virtue thereof, or on a like subject matter, as they may think expedient, not exceeding one month's imprisonment, or thirty-nine lashes.

Sec. 26. That it shall be the duty of said board of commissioners to keep the streets of said town in good order, and they shall have the power to compel all persons residing in said town, who are not of the classes exempt from working on the public roads, to work on the streets of said town; and said persons shall be called on by sections in regular turn. Any person who shall neglect or refuse to work on the said streets of said town, in person or by a substitute, when summoned so to do by the town sergeant, shall forfeit and pay one dollar for each and every day that he shall so neglect or refuse, to be recovered by action of debt in the name of the commissioners for the town of Washington, before the Intendant of Police for said town, or any justice of the peace for the county of Beaufort. And said commissioners shall further have power to cause said streets to be drained, graded and paved, and to cause all accumulations of dirt or filth to be removed from them: *Provided*, that said commissioners may, if they think expedient, have the said work done by hired hands and pay for the same out of any monies in the town treasury.

Sec. 27. That the said board of commissioners shall have control over the pumps of said town and may cause them to be repaired and new ones provided when necessary. They shall also have control over the wharves where the streets abut on the river and over the docks at said wharves; and shall have power to regulate the manner in which the same may be used, and the terms and conditions on which goods and articles may be landed or permitted to

lie on said wharves, and on which boats, canoes, flats and vessels of all sorts may lie at said wharves, or in the docks at the foot thereof and at the private wharves, which adjoin and form a part of the boundary of said docks; and to prevent the use of fire on board of said vessels in any manner jeopardising the adjoining property; and to impose such penalties for the breach of their rules and regulations on these subjects, as they may deem fit. Said commissioners shall cause said docks to be cleansed and kept open from time to time, so as to be accessible to the public.

Sec. 28. That said board of commissioners shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery within said town, and to keep the same in due order and repair; and also to purchase, when they deem it proper, a piece of land beyond the limits of said town as a public cemetery. They shall also have power to forbid any and all interments of dead bodies within the limits of said town, whenever they shall think it expedient to do so.

Sec. 29. That no other place or places within the said town, than those heretofore used and enclosed as cemeteries, shall ever be used for the purpose of interring dead bodies therein.

Sec. 30. That said board of commissioners shall have power to acquire by purchase, any piece or pieces of land as public squares for the use of said town; and also to acquire any pieces by purchase or lease as sites for markets or other buildings for the use of said town.

Sec. 31. That said board of commissioners shall have power to make from time to time rules and regulations concerning the firing of fire arms within said town, the pace and speed at which horses may be ridden or driven through the streets of said town, the arrangement of stove pipes in buildings and the mode in which fire shall be kept or carried through said town, so as to prevent accidents from carelessness or indiscretion; to regulate the manner in which powder and other explosive and inflammable substances may be kept or sold within said town; to regulate the manner in which public carts, drays and vehicles may be kept for hire in said town; to regulate the manner in which dogs may be kept in said town; to prevent hogs from running at large in said town, whether said hogs shall be owned by persons residing within or without said town; to prevent hogs from being confined in lots or pens in said town during the summer and fall months; to cause all lots, cellars, privies, stables and other places of like characters to be visited and examined by the town sergeant or other persons at any and all times, from the first day of May to the first day of November, in each and every year; and upon his written report, that any of the above described places is or are a nuisance, to cause by their order the town sergeant to have the said place or places cleansed, and the nuisance abated; and the said town sergeant shall have power to enter the premises described in the said order, and to perform the injunctions of the

same; and the said commissioners shall have power to recover the expenses of abating said nuisance from the occupier or owner of said premises by suit in any court having competent jurisdiction; said board of commissioners shall have further power to prohibit all trades or occupations which are nuisances, from being carried on in said town, or to regulate the manner in which they shall be carried on, so as to mitigate the nuisance. They shall also have power to cause all ponds or sunken lots in which water stands and stagnates within said town to be drained or filled up, and to recover from the owner or occupier of the lands or lots aforesaid the expense of such drainage or filling up, which expense shall be a lien on the lot or land so drained or raised: Provided always, that the owners or occupiers of said lands or lots shall have had three months notice in writing of the intention of said commissioners and shall have during that time neglected or refused to drain or fill up said pond or sunken lots.

Sec. 32. That said board of commissioners shall have power to regulate the manner in which provisions may be sold in the streets, markets and public docks of said town, and to regulate the manner in which the public markets of said town may be used, and to affix penalties for the breach of their ordinances, which shall be recovered in the name of the commissioners for the town of Washington before any court having competent jurisdiction.

Sec. 33. That said board of commissioners shall have power to make rules and regulations for enforcing the orderly conduct of slaves and free negroes within said town, and to impose punishments for the breach thereof.

Sec. 34. That the court of pleas and quarter sessions for the county of Beaufort, shall grant a license to retail spirituous liquors by the small measure within said town, to no person who shall not have first obtained from the town clerk a certificate of the assent of said board of commissioners to his obtaining said license, which certificate shall be prima facie evidence of good moral character in the applicant so as to supersede the necessity of proof by two witnesses as now required.

Sec. 35. That all forfeitures and penalties which are imposed by this act, or which shall or may be imposed by the ordinances of said board of commissioners, and which are not hereby or which shall not be by said ordinances directed to be recovered in any other manner or to any other use, shall be sued for and recovered in the name of the commissioners for said town of Washington, and all forfeitures and penalties so recovered, shall be paid to the town treasurer for the use of said town.

Sec. 36. That said board of commissioners shall cause a plat of said town to be made from actual survey, representing the present actual situation of the lots, streets, houses and other proper objects therein, the dimensions of the lots and streets and the owners or oc-

occupiers of the several houses and lots: they shall cause a copy thereof to be placed in the office of the clerk of the court of pleas and quarter sessions for said county, and a copy in the town hall. In case any house or building should be found to encroach upon the street, the commissioners shall not disturb the same, or the owner or occupier thereof, but when said building shall be destroyed or removed, no other shall be erected which shall encroach on said street.

Sec. 37. That the boundaries of said town, shall be those now established by law.

Sec. 38. That all laws and parts of laws inconsistent with this act, and all private acts of the General Assembly relating to the town of Washington, except such parts thereof as define the boundaries of said town, be, and the same are hereby repealed.

Sec. 39. That this act shall be in force from and after its ratification.

[Ratified 18th of January, 1847.]

CHAPTER CC.

An Act to incorporate the town of Franklinsville, in the county of Randolph.

Sec. 1. *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 corporate limits of the town of Franklinsville shall be included within the following boundaries, to wit: Beginning at a hickory, on the bank of Deep river, near the lower point of an island in said river, and running north one hundred and twenty four polls to a post oak; thence west two hundred and eighty polls to a white oak north of the Methodist Church; thence south seventy two polls to the river; thence down the various courses of the river to the beginning.

Sec. 2. Be it further enacted, That it shall be lawful for the citizens resident within said limits, on the first Monday in March, in every year, to elect a town magistrate and three commissioners, to serve as such for one year from the day of election, and in case there shall be no election on the day prescribed, to continue in office until their successors are appointed: *Provided*, that no one shall be eligible to the appointment of town magistrate or commissioner, unless he has resided in said town six months immediately preceding his elec-