

Acts of the North Carolina General Assembly, 1767 - 1768
North Carolina. General Assembly
December 05, 1767 - January 16, 1768
Volume 25, Pages 510-513

----- page 512 -----

CHAPTER XXIII.

An Act to amend an Act intitled an Act for the Regulation of the Town of Wilmington.

I. Whereas, by the before recited Act the Commissioners of the Town of Wilmington have no Power to Levy or recover any fines or forfeitures from persons refusing or Neglecting to work on the Streets of the said Town, reference being therein had to an Act of Assembly for appointing Commissioners of the roads in several Counties, which Act has been since repealed,

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the Passing of this Act all fines and forfeitures which shall or may become due from any person or persons refusing or Neglecting to work on the Streets or other Publick places in the said Town, by order of the Commissioners appointed by this Act, shall be recovered by Distress and Sale of the offenders goods & Chattels, by Virtue of a Warrant under the hands and Seals of the said Commissioners, or the Majority of them, Directed to one of the Constables, who shall and he is hereby Impowered to Levy the same by Sale of the Offenders goods at Public Vendue, to the highest bidder, and the said constable

----- page 512 -----

shall be allowed for executing the said Warrant, One Shilling and three pence, Proclamation money, and two and a half p. cent for the sum levied, and after the forfeiture and charges paid he shall return the Overplus, if any, to the owner, which Warrant shall be in the following words, viz:

III. Whereas, Information upon Oath hath been made unto us, Commissioners of the Town of Wilmington, by A. B. that C. D. is a Defaulter upon the Streets with Taxables for days, which at the Fine of Two Shillings and Eight Pence each by Law established amounts to the Sum of and that the said C. D. has refused to make Satisfaction for the same, These are therefore to Command and require you to seize so much of the Goods and Chattels of the said C. D. as will pay and satisfy the said Sum of with costs, and the same Goods so seized unless redeemed by payment of the said Sum of with costs in Ten days after Seizure, that you sell and dispose of and the Money arising thereby you pay to us, for which this shall be your Warrant, Given, &c.

IV. And whereas, the Inhabitants of the said Town have been at great expence in procuring an Engine for the Extinguishing of fire, which is now out of repair,

V. Be it further Enacted by the Authority aforesaid, That the said Commissioners, or the Majority of them, shall and they are hereby required within Six Months after the passing of this Act, to have the said Engine repaired and that they Cause the same to be properly worked at least once in every month under the penalty of Forty Shillings, Proclamation money, for every Month they shall Neglect to have the same done, to be recovered by any Person who shall sue for the same before any Justice of the Peace of New Hanover County and the cost of the repairing and working the said Engine shall be paid out of the Publick Stock of the said Town.

VI. And be it further Enacted by the Authority aforesaid, That the said Commissioners, or the Majority of them, shall and they are hereby Impowered and required within One Year after the Passing of this Act, to Sink Two Wells in the Streets near the Court-house, and to fix proper Pumps therein, in Order to have Water Convenient in case of Accidents by fire, and the expence to be paid out of the Publick Stock of the said town.

VII. And be it further Enacted, That the Constables of the said Town refusing or Neglecting to walk the Streets, in turn, in time of Divine Service near the place where the same shall be performed as by Law appointed, shall each of them Forfeit and Pay for every such Neglect the sum of Twenty Shillings, Proclamation Money, to be recovered by Warrant under the hands and seals of the said Commissioners, or the Majority of them, and the Onus Probandi shall be on the Defendant, and the money arising therefrom shall be paid into the publick Stock of the said Town.

VII. And be it further Enacted, That the Constables of the said Town refusing or Neglecting to walk the Streets, in turn, in time of Divine Service near the place where the same shall be performed as by Law appointed, shall each of them Forfeit and Pay for every such Neglect the sum of Twenty Shillings, Proclamation Money, to be recovered by Warrant under the hands and seals of the said Commissioners, or the Majority of them, and the Onus Probandi shall be on the Defendant, and the money arising therefrom shall be paid into the publick Stock of the said Town.

VIII. And that the said town of Wilmington, may be more regularly Supplied with all kinds of provision,

IX. Be it further Enacted by the Authority aforesaid, That the said Commissioners, or the Majority of them, are hereby Authorized and Impowered from time to time, and at all times hereafter, to pass such Orders as they may Judge necessary for the regulating the Market of the said Town, for ascertaining the place where the same shall be held, for appointing a Clerk of the Market if Necessary, to prevent persons forestalling the Market, for Regulating the Assize of bread and weights and Measures, and every other Matter and thing relative thereto; and to Inforce the same by laying fines on all persons who shall refuse or neglect to comply with the said Orders, to be recovered and applied in the same manner and under the same Limitations as are prescribed by the before recited Act.

----- page 513 -----

X. And be it further Enacted by the Authority aforesaid, that the said Commissioners, or the Majority of them, shall and they are hereby Impowered to pass such Orders as they may Judge Necessary to prevent Slaves from keeping Houses in the said Town, or any Person or Persons Dealing with Slaves not having tickets from their Masters, to prevent or Remove all kinds of Nuisances whatsoever, to Oblige the Inhabitants to keep a Sufficient Number of Leathern Bucketts in their Houses with their Names thereon, to be ready in case of fire, to Erect a fire Company under such regulations as they may think necessary, to prevent any person making fires upon the Warfs, and every other Matter and thing for the good Government and safety of the said Town, consistent with the Laws of this province, and to inforce such orders by Laying fines on all persons Neglecting or refusing to comply therewith, to be recovered and applied in the same Manner and under the same limitations as is prescribed by the before recited Act.

XI. Provided always, that if the offender be a slave, then in such case the said Slave shall be whipped by one of the Constables of the said Town at the Discretion of the said Commissioners, or the Majority of them. not exceeding forty Lashes unless the Master or Mistress of such slave shall pay the fine.

XII. Provided also, that it shall and may be Lawfull for any person or persons who shall think him or themselves aggrieved by the Judgment or Determination of the said Commissioners, or the Majority of them, to appeal from such Judgment or Determination, to the Justices of the Inferior Court of Pleas and Quarter Sessions of New Hanover County, first giving security to prosecute such Appeal, which said Justices are hereby Impowered to Determine the same in a Summary way.

XIII. And be it further Enacted by the Authority aforesaid, That this Act shall be and Continue in force for and During One Year from the passing thereof and no longer.

Read three times and Ratified in Open Assembly the 11th day of January, Anno Dom. 1768.

WILLIAM TRYON, Esq., Governor.
JOHN RUTHERFORD, President.
JOHN HARVEY, Speaker.