

Acts of the North Carolina General Assembly, 1771
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CHAPTER XX.

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

I. Whereas by the before recited Act the Commissioners of the Town of Wilmington, or the Majority of them, are directed to issue their Warrants, at least twice in every Year, to warn all the Male Taxables to clear, repair,

----- page 867 -----

and pave the Streets, Lanes, or Allies, and to make or mend Wharves, Docks, or Slips; which Method have been found burthensome and inconvenient, and not to answer the Purposes thereby intended: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the Commissioners of the said Town, or the Majority of them, shall, and they are hereby impowered and required, within Twenty Days after the First Tuesday in January in every Year, to lay such Tax as they may judge necessary, not exceeding Fifteen Shillings, Proclamation Money, per Poll, on all the Male Taxables in the said Town; which Tax shall be collected by Warrant under the Hands and Seals of the Commissioners, or the Majority of them directed to any Person they shall appoint to collect the same, returnable at such Times as shall be therein mentioned; which said Collector, appointed as aforesaid, is hereby impowered to collect and make Distress for the same, in like Manner as the Sheriffs, or other Collectors of Public, County or Parish taxes, are impowered by Law; and the Money arising therefrom, after deducting Five Per cent. Commissions, shall by him be paid into the Hands of the Commissioners, or the Majority of them, to be by them applied and laid out in clearing and repairing of the Public Streets, Lanes, and Alleys, and making or repairing Public Wharves or Docks, and in any other Public Work they may judge necessary for the Benefit of the said Town.

III. And be it further Enacted, by the Authority aforesaid, That no Person shall after the passing of this Act, be obliged to Work on the Streets, or other Public Places in the said Town, or to pay any other Town Tax, but such as is hereinbefore mentioned; any Thing in the before recited Act, to the contrary notwithstanding.

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; 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 Expence attending the repairing and Working the said Engine, shall be paid out of the Public Stock of the said Town.

V. And whereas the electing Commissioners annually has been found inconvenient, Be it therefore Enacted, by the Authority aforesaid, That the Commissioners of the said Town shall for the Future be elected once in every Three Years, to commence from the First Tuesday in January next; which Commissioners so elected, are hereby vested with the same Powers and Authorities, and shall be subject to the same Rules and Restrictions, as if they had been annually elected; anything in the before recited Act, to the contrary, notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town shall, and they are hereby required, to give in a List of all the Male Taxable Persons in each of their Families, on Oath, to the Commissioners, on the Third Tuesday in January in every Year, under the Penalty of Forty Shillings for every Neglect; to be recovered by Warrant under the Hands and Seals of the Commissioners of the said Town, or the Majority of them, to be applied to the Public Stock of the said Town.

VII. And whereas from the many Encroachments made on the Streets of

the said Town, by several Inhabitants erecting Piazzas, Platforms, and other Buildings therein, very much incommode the same, and may be a Means of communicating Fire across the said Streets, to the great Prejudice of the Inhabitants; Be it therefore Enacted, by the Authority aforesaid, that the Commissioners of the said Town, or a Majority of them, whenever they think it necessary, may ascertain a Ground Rent, not exceeding Forty Shillings, to be annually paid for each Piazza, Platform, or other Incroachment, on the Street (except open Piazzas, not exceeding Seven Feet wide, Steps, and Cellar Doors), which Ground rent shall by the said Commissioners, or a Majority of them, be applied to the Public Stock of the said Town; And if any Person shall neglect to pay such Ground Rent, the same shall be levied by a Warrant, under the Hands and Seals of the Commissioners, or the Majority of them, directed to one of the Constables of the said Town, on the Effects of such Delinquent.

VIII. And be it further Enacted, by the Authority aforesaid, That no Person shall hereafter inclose or cover any Piazza or Platform already Built, nor for the Future make any Incroachment whatever on the Street, unless for open Piazzas or Platforms, not exceeding Six Feet in Width, Steps, and Cellar Doors.

IX. And be it further Enacted, by the Authority aforesaid, That all Persons residing Three Months in the said Town, next before the Third Tuesday in January in every Year, shall afterwards be subject to pay Taxes in the said Town.

X. And be it further Enacted, by the Authority aforesaid, 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 lie on the Defendant, and the Money arising therefrom shall be paid to the Public Stock of the said Town.

XI. And be it further Enacted, by the Authority aforesaid, That the 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, Mistresses, or overseers; to prevent or remove all Kinds of Nuisances whatsoever; to oblige the Inhabitants to keep a Sufficient Number of Leather Buckets, 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 Persons making Fires upon the Wharves, in the Night Time; 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.

XII. Provided always, That if the Offender be a Slave, then and 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.

XIII. Provided also, That it shall and may be lawful 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.

XIV. And be it further Enacted, by the Authority aforesaid, that where any Person shall be prosecuted for dealing or trafficking with Negroes in the said Town, not having Tickets from their Masters, Mistresses, or Overseers, such Person shall answer the Same on Oath, and on refusal, shall stand convicted; any Law to the contrary, notwithstanding.

XV. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for the Commissioners of the said Town for the Time Being to call all Persons to account for any Monies which may be in their Hands belonging to the said Town, and to issue Warrants, under their Hands and Seals, for all Arrears which may appear to be justly due from any Person whatsoever in the said Town, under the same Limitation as is prescribed by the before recited Act.

XVI. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term and Space of Two Years, from and after the First Tuesday in January next, and from thence to the End of the next Session of Assembly, and no longer.