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(BY AUTHORITY.)

AN ACT to incorporate the inhabitants of the City of Washington, and to repeal all Acts heretofore passed for that purpose.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to incorporate the inhabitants of the City of Washington, in the District of Columbia," and the act supplementary to the same, passed the twenty-fourth of February, in the year one thousand eight hundred and four, and the act, entitled "An act further to amend the charter of the City of Washington," and all other acts or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby, repealed: *Provided, however,* That the Mayor, the Members of the Board of Aldermen, and Members of the Board of Common Council, of the corporation of the said City, shall and may remain and continue as such, for and during the terms for which they have been respectively appointed, subject to the terms and conditions in such cases legally made and provided; and all acts or things done, or which may be done, by them, in pursuance of the provisions, or by virtue of the authority, of the said acts, or either of them, and not inconsistent with the provisions of this act, shall be valid, and of as full force and effect as if the said acts had not been repealed.

Sec. 2. *And be it further enacted,* That the inhabitants of the city of Washington shall continue to be a body politic and corporate by the name of the "Mayor, Board of Aldermen, and Board of Common Council, of the city of Washington," to be elected by ballot, as hereinafter directed; and, by their corporate name, may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons; and may purchase and hold real, personal, and mixed property, or dispose of the same, for the benefit of the city; and may have and use a city Seal, and break and alter the same at pleasure.

Sec. 3. *And be it further enacted,* That the Mayor of the said city shall be elected, on the first Monday in June next, and on the same day in every second year thereafter, at the same time and place, in the same manner, and by the persons qualified to vote for members of the board of aldermen, and the board of common council. That the commissioners hereinafter mentioned shall make out duplicate certificates of the result of the election of mayor; and shall return one to the board of aldermen and the other to the board of common council, on the Monday next ensuing the election; and the persons having the greatest number of votes shall be the mayor; but in case two or more persons, highest in vote, shall have an equal number of votes, then it shall be lawful for the board of aldermen, and the board of common council to proceed forthwith, by ballot, in joint meeting to determine the choice between such persons. The Mayor shall on the Monday next ensuing his election before he enters on the duties of his office, in the presence of the Boards of Aldermen and Common Council, in joint meeting, take an oath, to be administered by a justice of the peace, "lawfully to execute the duties of his office, to the best of his skill and judgment, without favor or partiality." He shall, ex officio, have and exercise all the powers, authority, and jurisdiction, of a justice of the peace, for the county of Washington, within the said county. He shall nominate, and, with the consent of the Board of Aldermen, appoint to all offices under the corporation, (except commissioners of election,) and may remove any such officer from office at his will and pleasure. He shall appoint persons to fill up all vacancies which may occur during the recess of the Board of Aldermen, to hold such appointments until the ensuing session.—He may convene the two boards when, in his opinion, the public good may require it; and he shall lay before them, from time to time; in writing such alterations in the laws of the corporation as he may deem necessary and proper, and

he shall receive for his services annually, a just and reasonable compensation to be allowed and fixed by the two boards, which shall neither be increased nor diminished during his continuance in office. Any person shall be eligible to the office of Mayor, who is a free white male citizen of the United States, who shall have attained the age of thirty years, who shall have resided in the said city for two years immediately preceding his election, and who shall be the bona fide owner of a freehold estate in the said city; and no other person shall be eligible to the said office. In case of the refusal of any person to accept the office of Mayor, upon his election thereto, or of his death, resignation inability or removal from the city, the said boards shall assemble and elect another in his place, to serve for the remainder of the term, or during such inability.

Sec. 4. *And be it further enacted,* That the Board of Aldermen, shall consist of two members, to be residents in and chosen from each ward, by the qualified voters therein, and to be elected for two years, from the Monday next ensuing their election; and the Board of Common Council shall consist of three members, to be residents in and chosen from each ward, by the qualified voters therein, and to be elected for one year, from the Monday next ensuing their election; and each board shall meet at the Council Chamber, on the second Monday in June next, for the despatch of business, at ten o'clock in the morning and at the same hour on the second Monday in June in every year thereafter; and at such other times as the two boards may, by law, direct. A majority of each board shall be necessary to form a quorum to do business, but a less number may adjourn from day to day; they may compel the attendance of absent members, in such manner, and under such penalties, and allow such compensation for the attendance of the members, as they may, by law, provide; each board shall appoint a President, who shall preside during its sessions, and who shall be entitled to vote on all questions; they shall settle their rules of proceedings, appoint and remove officers at pleasure and may with the concurrence of three-fourths of the whole, expel any member for disorderly behaviour or misconduct in office, but not a second time for the same offence; each board shall keep a journal of its proceedings, and the yeas and nays shall be entered thereon, at the request of any member; and their deliberations shall be public. All ordinances or acts, passed by the two boards, shall be sent to the Mayor for his approbation, and, when approved by him, shall be obligatory as such. But, if the Mayor shall not approve of any ordinance or act, so sent to him, he shall return the same, within five days, with his reason in writing therefor; and if two-thirds of both boards on re-consideration therefor, agree to pass the same, it shall be in force in like manner as if he had approved it; but, if the two boards shall, by their adjournment, prevent its return, the same shall not be obligatory.

Sec. 5. *And be it further enacted,* That no person shall be eligible, to a seat in the Board of Aldermen, or Board of Common Council, unless he shall be more than twenty-five years of age, a free white male citizen of the United States, and shall have been a resident of the city of Washington, for one year next preceding the day of election, and shall, at the time of his election, be a resident of the ward for which he shall be elected, and then be the bona fide owner of a freehold estate, in the said city and shall have been assessed on the books of the corporation, for the year ending on the thirty-first day of December, next preceding the day of election. And every free white male citizen of the United States, of lawful age, who shall have resided in the city of Washington for one year next preceding the day of election, and shall be a resident of the ward in which he shall offer to vote, and who shall have been assessed on the books of the corporation, for the year ending on the thirty-first day of December next preceding the day of election, and who shall have paid all taxes legally assessed and due on personal property, when legally required to pay the same, and no other person, shall be entitled to vote at any election for members of the two boards. And it shall be the duty of the register of the city, or such officer as the corporation may hereafter direct, to furnish the commissioners of election in each ward, previous to opening the polls, at every election, a list of the persons having a right to vote, agreeably to the provisions of this section.

Sec. 6. *And be it further enacted,* That an election for members of the board of Aldermen and Board of Common Council

shall be held on the first Monday in June next, and on the first Monday in June annually thereafter; and all elections shall be held by three commissioners to be appointed in each ward, by the two boards in joint meeting, which appointment shall be at least ten days previous to the day of each election.—And it shall be the duty of the commissioners so appointed to give at least five days' previous public notice of the place in each ward where such elections are to be held. The commissioners shall, before they receive any ballot, severally to take an oath or affirmation, to be administered by some justice of the peace for the county of Washington, "truly and faithfully to receive and return the votes of such persons as are by law entitled to vote for members of the Board of Aldermen and Board of Common Council, in their respective wards, according to the best of their judgment and understanding; and not knowingly to receive or return the vote of any person who is not legally entitled to the same." The polls shall be opened at ten o'clock in the morning and be closed at seven o'clock the evening of the same day. Immediately on closing the polls, the said commissioners for each ward, or a majority of them, shall count the ballots, and make out, under their hands and seals, a correct return of the persons having the greatest number of legal votes, for members of the Board of Aldermen, and the Board of Common Council, respectively, together with the number of votes given to each person voted for; and the persons having the greatest number of votes for the two Boards respectively, shall be duly elected, and, in all cases of an equality of votes, the commissioners shall decide the choice by lot. The said returns shall be delivered to the Mayor, on the day succeeding the election, who shall cause the result of the elections to be published in some newspaper printed in the City of Washington; a duplicate return shall, together with a list of the persons who voted at such election, also be made on the day succeeding the election, to the register of the city, who shall preserve and record the same; and shall within two days thereafter, notify the several persons, so returned, of their election. And each board shall judge of the legality of the elections, returns, and qualifications, of its own members, and shall supply vacancies in its own body, by causing elections, to be held to fill the same, and appoint commissioners to hold the same; and such commissioners shall give at least five days' public notice of the time and place of holding such elections; each of the members of either board shall, before entering on the duties of his office, take an oath or affirmation "faithfully to execute the duties of his office, to the best of his knowledge and ability," which oath or affirmation shall be administered by the Mayor or some justice of the peace for the county of Washington.

Sec. 7. *And be it further enacted,* That the corporation aforesaid shall have full power and authority to lay and collect taxes upon the real and personal property within the said city, provided that no tax shall be laid upon real property, at a higher rate than three quarters of one per centum on the assessment valuation thereof, except for the special purpose hereinafter provided; and that no tax shall be laid upon the wearing apparel, or necessary tools and implements used in carrying on the trade or occupation of any person; nor shall the same be subject to distress and sale for any tax; and, after providing for all objects of a general nature, the taxes raised on the assessable property in each ward shall be expended therein, and in no other; to establish a board of health, with competent authority to enforce its regulation, and to establish such other regulations as may be necessary, to prevent the introduction of contagious diseases, and for the preservation of the health of the city; to prevent and remove nuisances; to establish night-watches or patrols, and erect lamps in the streets; to preserve the navigation of the Potomac and Anacostia rivers adjoining the city; to erect, repair, and regulate, public wharves and to deepen creeks, docks, and basins; to regulate the manner of erecting, and the rates of wharfage at private wharves; to regulate the stationing, anchorage, and mooring, of vessels; to provide for licensing, taxing, and regulating auctions, retailers, ordinaries, and taverns, hackney carriages, waggons carts and drays, pawnbrokers, venders of lottery tickets, money changers, and hawkers and pedlars; to provide for licensing, taxing, regulating, or restraining theatrical or public shows and amusements; to restrain or prohibit tipping houses, lotteries, and all kinds of gaming; to regulate and establish markets, to erect and repair bridges; to open and keep in repair streets, avenues,

lanes, alleys, drains, and sewers, agreeably to the plan of the city; to supply the city with water; to provide for the safe keeping of the standard weights and measures as fixed by Congress, and for the regulation of all weights and measures used in the city; to regulate the sweeping of chimneys, and fix the rates or fees therefor; to provide for the prevention and extinguishment of fires; to regulate the size of bricks to be made or used, and provide for the inspection of lumber and other building materials, to be sold in the city; to regulate, with the approbation of the President of the United States, the manner of erecting and the materials to be used in the erection of houses; to regulate the inspection of tobacco, flour, butter, and lard, in casks or boxes, and salted provisions; to regulate the gauging of casks, and liquors; the storage of gunpowder, and all naval and military stores, not the property of the United States; and the weight and quality of bread; to impose and appropriate fines, penalties and forfeitures, for the breach of their laws or ordinances; and to provide for the appointment of inspectors, constables and such other officers; as may be necessary to execute the laws of the corporation.

Sec. 8. *And be it further enacted,* That the said corporation shall have full power and authority to lay taxes on particular wards, parts, or sections, of the city, for their particular local improvements, and, upon application of the owners of more than one half of the property upon any portion of a street, to cause the curb stones to be set, and the foot ways to be paved, on such portion of a street, and to lay a tax on such property, to the amount of the expense thereof: *Provided,* That such tax shall not exceed three dollars per front foot; and upon a like application, to cause the carriage way of any portion of a street to be paved, or lamps erected therein, and light the same, and lay a tax, not exceeding the whole expense thereof, in due portion, on the lots fronting on such portion of a street; and also, to impose an addition or interest on the amounts of any such taxes, not exceeding ten per centum per annum, when the same shall not have been paid within thirty days after the same shall have become due. The said corporation shall also have power and authority to provide for the establishment and superintendance of public schools, and to endow the same, to establish and erect hospitals, or pest-houses, watch, and work-houses, houses of correction, penitentiary, and other public buildings, and to collect taxes for the expenses thereof; to regulate party or other walls and fences, and to determine by when the same shall be kept in repair; to cause new alleys to be opened through the squares, and to extend those already laid out upon the application of the owners of more than one half the property in such squares: *Provided,* That the damages which may accrue thereby, to any individual or individuals, shall be first ascertained by a jury, to be summoned and impanelled by the Marshal of the District of Columbia, (and it is hereby made his duty to summon and impanel the same, in all such cases, upon application to him in writing by the Mayor of the city,) and such damages to be paid by the corporation, the amount thereof, and the expenses accruing, shall be levied in due portion upon the individuals, whose property on such squares shall be benefited thereby, and collected as other taxes are; to occupy and improve for public purposes, by and with the consent of the President of the United States, any part of the public open spaces and squares in said city, not interfering with any private rights; to regulate the admeasurement and weight by which all articles brought into the city for sale shall be disposed of; to provide for the appointment of appraisers and measures of builders' work and materials, and also of wood, coal grain, and lumber; to restrain and prohibit the nightly and other disorderly meetings of slaves, free negroes, and mulattoes, and to punish such slaves by whipping, not exceeding forty stripes, or by imprisonment not exceeding six months, for any one offence, and to punish such free negroes and mulattoes, by penalties not exceeding twenty dollars for any one offence, and in case of the inability of any such free negro or mulatto to pay any such penalty and cost thereon, to cause him or her to be confined to labor for any time not exceeding six calendar months; to cause all vagrants, idle, or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the corporation as paupers, or are found begging or drunk in or about the streets, or loitering in or about tipping-houses, or who can shew no reasonable cause of business or em-

ployment in the city, and all suspicious persons who have not fixed places of residence, or who cannot give a good account of themselves; all eves-droppers and night walkers; all who shall be guilty of open profanity, or grossly indecent language or behaviour publicly in the streets; all public prostitutes, and such as lead, a notoriously lewd or lascivious course of life, and all such as keep public gaming tables, or gaming houses, to give security for their good behaviour for a reasonable time, and to indemnify the city against any charge for their support, and, in case of their refusal or inability to give such security, to cause them to be confined to labor until such security shall be given, not exceeding however, one year at a time; but, if they shall be found again offending, the like proceedings may be again had, and, from time to time, as often as may be necessary; to enforce the departure of such vagrants and paupers as may come in the city to reside, unless they shall give ample security that they will not become chargeable on the corporation for their support, to provide for the binding out as apprentices of poor orphan children, and children of drunkards, vagrants, and paupers; to prescribe the terms and conditions upon which free negroes and mulattoes may reside in the city; to authorize with the approbation of the President of the United States, the drawing of lotteries for the erection of bridges, and effecting any important improvements in the city which the ordinary revenue thereof, will not accomplish for the term of ten years: *Provided,* That the amount so authorized to be raised in each year shall not exceed the sum of ten thousand dollars, clear of expenses; to take care of and regulate burial grounds; to provide for the registering of births, deaths and marriages; to punish corporally any colored servant or slave for a breach of any of their laws or ordinances, unless the owner or holder of such servant or slave shall pay the fine in such cases provided; and to pass all laws which shall be deemed necessary and proper for carrying into execution the powers vested by this act in the said corporation or its officers.

Sec. 9. *And be it further enacted,* That the Marshal of the District of Columbia shall receive and safely keep within the jail for the county of Washington, at the expense of the said corporation, all persons committed thereto under or by authority of the provisions of this act. And in all cases where suit shall be brought before a justice of the peace, for the recovery of any fine or penalty arising or incurred for a breach of any law or ordinance of the corporation, execution shall and may be issued, as in all other cases of small debts.

Section 10. *And be it further enacted,* That real property, whether improved or unimproved, in the city of Washington, on which two or more year's taxes shall have remained due and unpaid, or on which any special tax, imposed by virtue or authority of the provisions of this act, shall have remained unpaid for two or more years after the same shall have become due, or so much thereof, not less than a lot, (when the property upon which the tax has accrued is not less than that quantity) as may be necessary to pay any such taxes, with all legal costs and charges arising thereon, may be sold at public sale to satisfy the corporation therefor: *Provided,* That public notice be given of the time and place of sale, by advertising once a week in some newspaper printed in the City of Washington, for at least six months, where the property is assessed to persons residing out of the United States; for three months, where the property is assessed to persons residing within the District of Columbia; in which advertisement shall be stated the number of the lot or lots, (if the square has been divided into lots,) the number of the square or squares, or other sufficient or definite description of the property selected for sale, the name of the person or persons to whom the same may have been assessed, for the respective years' taxes due thereon, as also the name of the person to whom the same is assessed, and the aggregate amount of taxes due. The purchaser or purchasers of any such property shall pay, at the time of such sale, the amount of the taxes due on the property so purchased by him, her, or them, respectively, with the amount of the expenses of sale; and he, she, or they, shall pay the residue of the purchase money within ten days after the expiration of two years from the day of sale, to the collector of taxes, or other officer of the corporation authorized to receive the same; and the amount of such residue shall be placed in the city treasury, where