

LAW

STATE OF NORTH-CAROLINA, PASSED BY THE GENERAL ASSEMBLY

AT THEIR SESSION, WHICH COMMENCED ON MONDAY, THE TWENTY-NINTH OF NOVEMBER, ONE THOUSAND, EIGHT HUNDRED AND FORTY EIGHT, AND ENDED ON THE TWENTY-NINTH OF JANUARY, ONE THOUSAND, EIGHT HUNDRED AND FORTY-NINE.

[BY AUTHORITY.]

AN ACT for the incorporation of the town of Salisbury.

Sec. 10. That the said board of commissioners shall meet at the town hall (or some other place appointed by them) on the last Saturday 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 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 meeting 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 upon him by law or the ordinances 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 bond, with approved sureties, 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 moneys 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 moneys 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 moneys 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 purposes in general terms in the accounts kept by him, and also the sources whence the money received by him are derived; and said commissioners shall cause a copy of said account for the year preceding every first 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 may 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 of all the power 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 for said commissioners: Provided, nothing herein contained shall be construed as to prevent the said commissioners, should they so determine, from requiring the sheriff of said county of Rowan to collect the town taxes; and the said sheriff, when so required by said commissioners, shall be subject to the same penalties and shall proceed under the same title and regulations, and shall be invested with the same powers, as he is now subject to and invested by law for the collection of taxes in the State.

Sec. 15. That the said commissioners shall, at their first monthly meeting after their election, appoint a town constable, who shall hold his office for the residue of the official term of said commissioners who appoint him, subject to be removed by them at any time for misbehavior. He shall

give a bond, in a penal sum to be fixed by said commissioners, payable to them 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 upon him as town constable 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 constable, 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 invested with all the powers now vested in law in sheriffs and constables; he shall also have, in the execution of process 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 office of town clerk, town treasurer, tax collector and town constable, 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 March 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 resided within the limits of the town on the first day of February immediately preceding, or who had been principally employed in any profession or vocation in said town, for three months or more immediately preceding the said first day of February, and all persons who owned or were possessed of taxable property within said town on the said first day of February, to give in to him before the last day in said month of March, 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 they 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 February on the lands of persons giving in said list. And the list so given in to the town 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 March, 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 March 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 the Intendant of Police, or 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 list 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 May, 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, if one shall have been appointed, and if not, to the sheriff of said county of Rowan, together with a warrant, under their hands and seals, of those, or a majority of them, authorizing and directing the tax collector or said sheriff, to collect said taxes in said list mentioned, and to make return thereof and of said warrant on a certain day therein to be mentioned; and the said tax collector or sheriff 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 lots, with the improvements thereon, situated within the limits of said town; a poll tax not exceeding two dollars on every poll liable to pay a poll tax to the State, who has resided or been principally employed within said town for three months immediately prior to the first day of February in each and every year; and all taxes laid on polls and real estate shall be in that relative proportion; 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 and pens therein, and whether owned by persons residing in

said town, or by any other persons 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 stoops, steps, porches or piazzas encroaching more than three feet on the public street or side walk; a tax on all itinerant merchants and pedlars not exceeding five dollars for each itinerant merchant or pedlar; provided, no tax shall be imposed on persons who shall sell books only; a tax on each and every person or company of stage players, sleight of hand performers, rope dancers, tumblers and wire dancers, or company of circus riders or equestrian performers; and each and every person who shall exhibit artificial curiosities of any sort or kind, except models of useful inventions, for a reward; and every person or company who shall exhibit natural curiosities of any kind or sort, a tax not exceeding twenty dollars on each and every person or company who may so play, perform or exhibit within the limits of said town, or within one mile of the limits of said town; 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 in case of a fire occurring in said town, it shall and may be lawful for the Intendant of Police, or in his absence, two commissioners to order the blowing up, pulling down or destroying any house or houses which he or 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 to civility or criminality for acting, in such cases, in obedience to such orders.

Sec. 21. That the said board of commissioners shall have power to authorize, in such manner as they may ordain, the formation of one or more volunteer fire companies in said town, to be attached to an engine or engines which may belong 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 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. 22. That the said board of commissioners shall have power to organize a patrol for said town, either by hiring persons to act as such and paying them out of the treasury of the said town, or by enrolling all the free white male inhabitants of said town, of the age of eighteen years and upwards, except such as they think proper to exempt by reason of their poverty, joined with old age or infirmity, and dividing them into classes of an equal number (not exceeding five) to be arranged alphabetically, or drawn by lot from the persons so enrolled, as they may deem expedient. The said board of commissioners shall have power to enact by-laws for the government of said patrol so hired or appointed, and to impose fines and penalties for the infringement of any such by-law so enacted, which fine and penalties, when incurred by any minor, shall be recovered from the parent, guardian, or master (if an apprentice) of such minor so offending. That the patrol so hired or appointed by the said board of commissioners, whilst on duty, shall have all the powers which patrol now have by law, and for the suppression of riots and disturbances, and the preservation of the public peace in said town, all the powers now vested in constables as peace officers.

Sec. 23. That the said board of commissioners shall have power by ordinance to prohibit all persons recently from any place or places where an infectious or contagious disease is believed to exist or recently to 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 upon 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 for the Town of Salisbury, 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 the spread of the disease, 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 or contagious 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 he fits his situation; and it shall be lawful for them to sue for and recover from

any free negro or the owner of any slave so removed, the expenses 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 Salisbury, 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 Rowan, 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 deem expedient, not exceeding one month's imprisonment or thirty-nine lashes.

Sec. 21. 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 cause said streets to be drained, graded and paved, and to cause all accumulation of dirt or filth to be removed from them. That said board of commissioners shall have control over the public wells of said town, and it shall be their duty to cause them to be repaired and kept clean and in good condition, and provide new ones when necessary.

Sec. 25. 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 within or beyond the limits of said town, as a public cemetery; they shall also have the power to forbid any and all interments of dead bodies within the limits of said town, when ever they shall think it expedient so to do.

Sec. 26. That said board of commissioners shall have power to acquire by purchase any piece or pieces of land or public squares for 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. 27. 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 and driven through the streets of said town, the arrangements of stoves, 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 negligence or indiscretion; to regulate the manner in which powder and other explosive and inflammable substances may be kept and sold within 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 belong to 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 character to be visited and examined by the town constable or other persons, at any and at all times, from the first day of June to the first day of November, in each and every year; and upon his written report, that any of the above places is or are a nuisance, to cause, by their order, the town constable to have the said place or places cleansed and the nuisance abated; and the said town constable 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 the 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 the power to cause all ponds or sunken lots in which water stands and stagnates within said town, to be drained and 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 ponds or sunken lots. They shall further have power to cause all nuisances, whether arising from stagnant pools or ponds of water, or from any other cause, without the limits of said town, but sufficiently near to affect the health of the inhabitants of said town, to be removed or abated, and to pay for the removing or abating of any such nuisance above described out of any moneys in the treasury of said town.

Sec. 28. That said board of commissioners shall have power to regulate the manner in which provisions may be sold in the streets and markets of said town, and to regulate the manner in which the public markets and streets in 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 of the town of Salisbury, before any court having competent jurisdiction.

Sec. 29. 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. 30. That the court of pleas and quarter sessions for the county of Rowan shall grant a license to retail spirituous liquors by the small measure within said town, to no per-