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VOL. 3. ROXBORO, NORTH CAROLINA, THURSDAY, JUNE 9, 1887. NO. 40.

Charter of the Town of Roxboro.

An Act to Re-encorporate the Town of Roxboro and to Extend the Corporate Limits Thereof.

The General Assembly of North Carolina do enact

Section 1. That the inhabitants of the town of Roxboro in the county of Person shall be a body politic and corporate, and in the name of the board of commissioners of Roxboro shall have a right to contract and be contrac ed with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real and personal property.

Sec. 2. The corporate limits of the town of Roxboro shall be as follows, to wit: Beginning at the court house in said town and running eight hundred yards north, south, east and west, making court-house centre of square.

Sec. 3. That the officers in said incorporation shall consist of a mayor, five commissioners and a town constable; that the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-seven, viz.: mayor, J. T. Sergeant; commissioners, J. A. Long, S. B. Winstead, J. M. Barnett, A. R. Foushee and R. K. Daniel; constable, Chas. E. Pugh.

Sec. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-seven, and each succeeding year thereafter, who shall hold office until their successors are qualified, all to be elected by the qualified voters of the town.

Sec. 5. That any qualified elector in the state shall be eligible as mayor or commissioner: *Provided*, he shall have resided in the corporation ninety days next preceding the day of the election.

Sec. 6. That all persons entitled to a vote in the county of Person for members of the general assembly, and who shall have been *bona fide* residents of the town of Roxboro ninety days next preceding the election shall be entitled to vote for mayor and commissioners, or at any election held therein for municipal purposes.

Sec. 7. That all elections held in said corporation for the election of a mayor and commissioners or other municipal purposes shall be held and conducted as provided in chapter twenty one, private laws eighteen hundred and eighty-five, ratified on the sixteenth day of February, eighteen hundred and eighty-five, which is "an act to charter the town of Oxford," in sections as follows, to-wit:

Sec. A. That the mayor shall, thirty days before the first Monday in May in each year, appoint a suitable person to act as registrar within the corporation of said town, and the registration books shall be open at least twenty days. The constable shall notify said person of his appointment, and said registrar shall at once post a notice at the court house door of his appointment, and shall designate the place where he will keep the registration books, and the time after which the books will be closed, and when and for what the election will be held.

Sec. B. That in all elections the polls shall be opened at any place in the corporation that may be designated by the board of commissioners.

Sec. C. That the book of registration of the voters of the town shall be furnished the poll holders, and no person shall be allowed to vote unless his name be found thereon.

Sec D. That the registration shall be closed five days before the election, and after the closing of the same no person shall be allowed to register; however, the registrar is authorized and empowered before said book shall be closed to register therein all persons who, not then being of the age of twenty one years but otherwise qualified to register, may arrive at the age of twenty one years on or before the day of election.

Sec. E. Any person offering to register may be required to take and subscribe an oath that he is a citizen of the State of North Carolina, and has resided in the town of Roxboro ninety days next preceding that date, or is otherwise entitled to register; and if any person shall wilfully swear falsely in such affidavit he shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars or be imprisened thirty days in the county jail.

Sec. F. That within twenty four hours after the close of the registration for each election the registration books shall be deposited in the office of the mayor of the town and be opened for the inspection of the citizens.

Sec. G. It shall be lawful to challenge the right of any person to vote, either on the day of the election when he offers to vote or on the day of registration when he offers to register, and if it shall appear to the judges of election, or a majority thereof, or to the registering officer that such person is disqualified, he shall be excluded from registering, or if registered, from voting.

Sec. H. That for the purpose of electing said officers the commissioners shall, at least twenty days before the election, appoint three inspectors, who shall be qualified voters; and the inspectors before they proceed to act shall be sworn by the mayor or a justice of the peace to conduct the election fairly and impartially and according to law, and in case of the absence of any inspector his place shall forthwith be supplied by the commissioners.

Sec. I. That on the day of the election the inspectors shall give due attendance at the time and place, shall be judges of the polls, receive the votes and conduct the election in like manner and during the same hours of the day as elections for members of the General Assembly.

Sec. J. The candidates for mayor and commissioners shall be voted for in seperate boxes and on a seperate ballot, written or printed.

Sec. K. That at the close of the election the votes shall be counted by the inspectors, and such person voted for as mayor having the largest number of votes shall be declared duly elected mayor, and such persons voted for as commissioners having the largest number of votes shall be declared duly elected commissioners, and the mayor and commissioners shall be notified of their election by the inspectors.

Sec. L. That if among the persons voted for as mayor there shall be an equal number of votes between any two or more having the largest number, the commissioners elect shall proceed within five days after their qualification to select a mayor of such persons; and if among the persons voted for as commissioners there shall be a like tie, the remaining cummissioners, within five days after their qualification, shall select of such the person or persons to be commissioners.

Sec. M. That the inspectors shall certify and subscribe two poll lists, and return one of them to the clerk of the board and one to the registrar of deeds of the county for safe keeping. The result of the election shall be proclaimed by the inspectors at the court house door.

Sec. 8. That the mayor and each commissioner before entering upon the duties of his office shall take before some justice of the peace or clerk of the superior court an oath that he will truly and impartially perform the duties of his office for the town according to the best of his ability, skill and judgment.

Sec. 9. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office; and also appoint a treasurer, town constable and all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their term of office. The board of commissioners shall be further authorized to appoint one of their number a mayor *pro tempore*, to act as mayor in case of the absence of the mayor, or his inability to perform the duties of his office. Before acting each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond with sufficient security payable to the state of North Carolina: *Provided, however*, that the duties of the collector of taxes may be performed by a constable if the board so direct, and those of the treasurer by members of the board.

Sec. 10. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the power, jurisdiction and authority of a justice of the peace, to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violations thereof, and to execute the by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty he shall be fined at the discretion of the court, or mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same such offender may be imprisoned not more than thirty days in the common jail of the county, and fined not more than fifty dollars. If the accused is dissatisfied with the judgment of the mayor or court he may appeal in likemanner as prescribed for appeals from judgments of a justice of the peace.

Sec. 11. The mayor shall issue his precepts to the town constable, who shall execute the same anywhere in Person county, or to such other officers to whom a justice of the peace may direct his precepts. An endorsement by the mayor of the names of the witnesses upon a summons or warrant shall be authority to execute the same. The mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings.

Sec. 12. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any cost, fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-laws or regulation of said town, and the said commissioners shall have authority by their ordinances and by-laws to confine, to control and manage such person or persons until the said fines and penalties or forfeitures, together with costs thereof shall be fully paid and satisfied under such rates for labor and board as the commissioners may adopt.

Sec. 13. That any town constable, policeman, watchman or other town officer arresting any person or persons in the night for a violation of any of the ordinances of the town, shall have a right to commit such person or persons to the common jail of Person county for safe keeping until the morning, when the offender shall be brought before the mayor or some magistrate resident in the town, and be dealt with according to law.

Sec. 14. That the treasurer shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said accounts to the commissioners whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping, and during his continuance therein he shall faithfully perform all the duties lawfully imposed on him as town treasurer.

Sec. 15. That the commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town, for the general inspection of the citizens, and cause the same to be posted in some public place ten days before the day for the annual election of commissioners.

Sec. 16. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and state the purpose for which the money is applied, and the treasurer shall specify said purpose in his account, and also the sources whence are derived the money received by him: *Provided*, all claims against the corporation shall be audited by the board of commissioners before any order shall issue for the same.

Sec 17. That it shall be the duty of the constable to see that the laws, ordinances and orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers vested in sheriffs and county constables. He shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof he shall have the same powers which the sheriff and constables of the county have, and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the constable of the county on like processes or precepts, and also such other compensation as the commissioners may allow.

Sec. 18. The commisioners of the town of Roxboro shall have power, whenever they may deem it necessary or to the interest of the town, to condemn any land for the purpose of opening any new street, or for the lengthening or widening of any street, and for that purpose shall appoint a jury of not less than three nor more than five freeholders of the town, who, after being notified of their appointment, shall meet on or at the premises or land to be condemned and assess the damages that the owner may sustain by reason of such condemnation, deducting, however, from the same the estimated value of the improvement that may accrue to the premises by the opening or improvement of the street. The owner or owners of the land shall first have at least five days' notice of the time and place of meeting of the jurors, said notice to be served by the town constable or any other person authorized by law to serve notices. The jury shall return a report of their proceeding to the board of town commissioners, who may confirm the same, and after paying or tendering to the owner the amount of damages assessed, may subject the land condemned for the desired purpose: *Provided, however*, that the owner of the land, if dissatisfied with the report of the jury, may, if the same be confirmed, appeal to the superior court of the county, where the same may be heard anew as to the amount of damages sustained; but such appeal shall not have the effect to stay proceedings for making the desired improvement.

Sec. 19. That the board of commissioners of the town of Roxboro shall have power, not oftener than annually, to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all moneys on hand, solvent credits and upon all polls and other subjects of taxation taxed by the general assembly for public purposes, not exceeding thirty three and one third cents on one hundred dollars' valuation of property and one dollar on the poll. And the said board shall have power to levy and collect a commutation upon all persons residing in the corporate limits of Roxboro, who may be liable to work on the public roads, in lieu of requiring of them such personal services on the roads and streets.

Sec. 20. The board shall proceed on the first Monday in June to lay the taxes on such subjects of taxation as they may choose, and shall place the tax list (with an endorsement by the mayor to the collector, authorizing him to collect the taxes in said list) in the hands of the collector for collection, who shall complete the same on or before the first day of October next ensuing, and shall pay the moneys to the treasurer on or before the first Monday of November; and the collector shall receive such per centum on the amount so collected as may be determined by the board of commissioners: *Provided*, the commissioners may extend the time for collecting and paying over said tax.

Sec. 21. That if any person liable to taxes and subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days at four public places in the corporation, if the property be personal, or twenty days if the property be real, without any judgement or execution.

Sec. 22. That the commissioners shall have the power to declare all horses, cattle, dogs and sheep run at large within the corporate limits of the town a nuisance; and the commissioners, at their option, may impose a fine upon the owner or owners of such animals running at large, or may treat the same as a nuisance and have it abated, or impound the same under such regulations as they may adopt.

Sec. 23. That no person or persons shall sell any spirituous or intoxicating liquors within the corporate limits of said town without first having obtained a license from said commissioners, and they shall fix the amount to be paid for said license, which shall not be less than twenty dollars nor more than fifty dollars per annum, upon each license granted by the board of county commissioners. Any persons violating the provisions of this ordinance shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the mayor not exceeding fifty dollars or thirty days imprisonment, and shall moreover pay a penalty of five dollars for each day that he shall thus violate this ordidance.

Sec. 24 That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the persons causing same, or the owner or tenant of the ground wherever the same may be. They may also prevent the establishment of, and may regulate if allowed to be established, any slaughter house or place for the exercise within the town of any offensive or unhealthy business, trade or employment.

Sec. 25. That the board of commissioners shall have power to provide water and take all proper means to prevent and extinguish fires; to make regulations to cause due observation of the Sabbath; appoint and regulate town police; suppress and remove nuisances; preserve the health of the town from contagious and infectious diseases; to control and regulate the keeping of powder within the town; to regulate the speed of riding and driving in the public streets; and to keep or require to be kept the sidewalks clear of all obstruction; to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets, at the expense of the owners of adjacent lots who may refuse to do the same on five days' notice from the mayor of the town.

Sec. 26. That every imprisonment or commitment by virtue of this charter shall be in the public jail of the county.

Sec. 27. The mayor shall be entitled to the following fees in cases herein enumerated, whereof he may have jurisdiction as mayor: for every warrant issued by him for the recovery of any penalty, or for other cause of action, twenty five cents; for every judgement rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as may or to apprehend any offender against the criminal laws of this State, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed on submission or conviction of the offender among the other costs.

Sec. 28. The town of Roxboro is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty two, volume two of The Code of North Carolina, entitled "Cities and Towns," not inconsistent with any of the provisions of this act.

Sec. 29. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 30. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

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There is no change in the style of fishing tackle this year, except that the jug has more body and not quite so much neck.—*Mansfield Herald.*

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