

PRIVATE LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

ADJOURNED SESSION OF 1862-'63.

RALEIGH:

W. W. HOLDEN, PRINTER TO THE STATE.

1863.

SEC. 6. *Be it further enacted*, That it shall be the duty of the clerk of the county court, within five days after the adjournment of said court, to issue written notices to the several persons appointed judges as aforesaid, notifying them of their said appointment, which shall be delivered *instantly* to the sheriff of said county, and by him faithfully served upon the respective persons to whom they are addressed, and such sheriff, for each and every failure to serve such notice, or make due return thereon within ten days after the same have been delivered to him, shall be subject to indictment, and be fined at the discretion of the court: *Provided*, That when a majority of the votes cast at said election shall be inscribed "License," this act shall not in anywise apply for and during the year next ensuing such election.

Clerk to issue
five days notice
to judges.

Proviso.

SEC. 7. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be and the same are hereby repealed.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its ratification, and continue in force until modified or repealed. [*Ratified the 12th day of —, 1863.*]

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH.

Chap. 49.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That if any commissioner shall fail to attend a general meeting of the board of commissioners, or any special meeting of which he shall have notice as prescribed in said charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay, for the use of the city, the sum of four dollars; and it shall be the duty of the mayor to enforce such forfeiture.

Penalty for
non-attendance
at board of
commissioners.

SEC. 2. *Be it further enacted*, That in order to raise a fund to meet the expenses incident to the proper government of the city, the commissioners may annually levy and collect taxes on all subjects taxable under said charter, to

Taxes.

an amount not exceeding double that which they are now authorized to impose.

Tax on wheeled vehicles.

SEC. 3. *Be it further enacted*, That the commissioners may annually, for said purposes, levy and collect a tax not exceeding ten dollars on all wheeled vehicles used to carry passengers or freight for hire: *Provided*, That said vehicles shall be exempt from the *ad valorem* tax.

Proviso.

Tax on goods, wares, &c.

SEC. 4. *Be it further enacted*, That the tax on goods, wares and merchandise, shall not exceed twenty cents on every one hundred dollars value.

Tax on billiard tables, bowling alleys and dogs

SEC. 5. *Be it further enacted*, That the commissioners shall have power to levy and collect a tax on any billiard-table, bowling-alley, or other game allowed by law, not exceeding fifty dollars, and on every dog, a tax not exceeding five dollars: *Provided, however*, That a discrimination within this limit may be made on the different species and sexes of dogs.

Proviso.

Right of way.

SEC. 6. *Be it further enacted*, That when any land or right of way shall be required by said city of Raleigh for the purpose of opening new streets, or for other objects allowed by its charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the city, to be chosen by the commissioners; and in making said valuation, said freeholders, after being duly sworn by the mayor, or a justice of the peace for the county, or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages, shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person over whose land the said street may pass, or improvement be erected, or the commissioners be dissatisfied with the valuation thus made, then, and in that case, either party may have an appeal to the next county or superior court of Wake county to be held thereafter;

Proviso.

and the said freeholders shall return to the court to which the appeal may be taken, their valuation, with the proceedings thereon; and the land so valued by the freeholders shall vest in the city so long as it may be used for the purposes of the same, as soon as the valuation may be paid or lodged in the hands of the clerk of the county court, (in case of its refusal by the owner of the land): *Provided*, Proviso. however, That such appeal shall not hinder or delay the commissioners in opening such street, or erecting such improvement; *And provided further*, That in case of the discontinuance of the use of the land and its *reverter* to the owner, the city shall have the right to remove any improvement under its authority erected. Proviso.

SEC. 7. *Be it further enacted*, That every owner of a lot, or persons having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established, shall improve in such manner as the commissioners may direct such sidewalk, as far as it may extend along such lot; and on failure to do so within twenty days' after notice by the constable to said owner, or if he be a non resident of the county of Wake, to his agent; or if such non-resident have no agent in said county; then, after advertisement for twenty days on such lot, and at the court house door, calling on the owner to make such repairs, the commissioners may cause the same to be repaired either with brick, stone or gravel, at their discretion, and the expence shall be paid by the person in default; said expence shall be a lien upon said lot, and if not paid within six months after the completion of the repairs, such lot may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and savings, as are prescribed in said charter for the sale of lands for unpaid taxes. Repairing and improvement of side-walks.

SEC. 8. *Be it further enacted*, That the commissioners may require and compel the abatement of all nuisances within the city at the expence of the person causing the same, or the owner or tenant of the ground whereon the same shall be; they may also prevent the establishment within the city, and may regulate the same if allowed to be established, of any slaughter-house or place, or the exercise Nuisances, slaughter-houses.

within the city of any dangerous, offensive, or unhealthy trade, business or employment.

Fast driving,
firing of guns,
pistols, &c.

SEC. 9. *Be it further enacted*, That they may prohibit and prevent by practices the riding or driving of horses or other animals at a speed greater than six miles an hour, within the city; and also the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds, or elsewhere within the city.

Repeals certain
sections in said
charter.

SEC. 10. *Be it further enacted*, That sections 24, 61, 63, 65 and 87, and clause 5 of section 45 of said charter, and all clauses in conflict with these amendments, be and the same are hereby repealed.

Adds certain
sections to
charter.

SEC. 11. *Be it further enacted*, That the following sections shall be a part of said charter of the city of Raleigh, in lieu of sections 50, 51 and 52 of the same which are hereby repealed:

In lieu of sec-
tion 50.

(1.) "When the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of August, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the facts to the commissioners, together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold upon the premises by the collector, after advertising for twenty days in some newspaper published in the city, which the collector shall do; and the collector shall divide the said land into as many parts as may be convenient, (for which purpose he is authorized to employ a surveyor,) and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole of the land, the same shall be struck off to the city; and if not redeemed, as hereinafter provided, shall belong to said city in fee."

In lieu of sec-
tion 51.

(2) "*Be it further enacted*, That the collector shall return an account of his proceeding to the commissioners, specifying the portions into which the land was divided, and