

PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT THE

SESSION OF 1866.

RALEIGH:

WM. E. PELL, PRINTER TO THE STATE.

1866.

shall, in like manner, be considered and declared duly elected for that ward.

SEC. 2. *Be it further enacted*, That the mayor and council, in addition to the taxes now allowed, shall have ^{Mayor and council em-} power to levy and collect a tax, for the use of the city, from all companies of strolling theatrical or stage players and circus riders, and from vendors of patent medicines and nostrums, not exceeding twenty-five dollars.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 7th day of February, A. D. 1866.*]

AN ACT TO INCORPORATE THE MAYOR AND BOARD OF ALDERMEN OF *Chap. 7.*
THE CITY OF CHARLOTTE.

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 the mayor and aldermen, and their successors in office, chosen and elected as hereinafter provided, be, and they are hereby created a corporation and body politic under the name and title of "The Board of Aldermen of the city of Charlotte," and they shall have full power to make all by-laws, rules, regulations and ordinances, for the benefit and good government of said city, not inconsistent with the constitution of the State of North Carolina, or of the United States; to contract, and be contracted with, to sue and be sued, to plead and be impleaded, to purchase, and to hold, and to convey real or personal estate. And they are hereby invested with all the powers and rights necessary, or belonging to, or usually appertaining to municipal corporations.

SEC. 2. *Be it further enacted*, That Samuel A. Harris, Mayor, and John Wilkes and Allen Cruse, of ward number one; R. M. Oates and John L. Brown, of ward number two; A. A. N. M. Taylor and M. D. L. Moody, of ^{Commissioners authoriz-}

ward number three; H. L. Alexander and Wm. Harty, of ward number four, commissioners elected on the 8th day of January, A. D., eighteen hundred and sixty-six shall continue to hold their office as mayor and commissioners until the acceptance of this amended charter, from which time they shall hold as mayor and aldermen, until an election shall be held as hereinafter provided for.

Wards.

SEC. 3. *Be it further enacted*, That the said city shall be divided into four wards by the intersection of Trade and Tryon streets, to be known as follows, to wit: That part lying east of said intersection, to be known as ward number one; that part lying south, as ward number two; that part lying west, as ward number three; that part lying north, as ward number four. And each ward shall elect three aldermen, who shall be white male citizens of the full age of twenty-five years, and who shall have resided in said city twelve months next preceding the day of election, and who shall hold and continue to hold in the said city real estate assessed for taxation at a sum not less than fifteen hundred dollars, and who shall reside and continue to reside while in office in the ward for which he or they may be elected, and whenever a vacancy shall occur by resignation or otherwise, the mayor shall issue a writ of election within ten days thereafter to the ward, in which such vacancy shall occur, to hold an election, as hereinafter provided for, to fill such vacancy after twenty days notice.

Sheriff to hold election.

SEC. 4. *Be it further enacted*, That the sheriff of Mecklenburg county, or a deputy by him appointed, shall advertise for an election of mayor and aldermen, at least twenty days before the first Monday in February A. D., eighteen hundred and sixty-eight, and at least twenty days before the first Monday in February, in every second year thereafter, and shall attend at the court house, on said day of election, at the hour of nine o'clock in the morning, and shall open the polls of election in the presence of five inspectors, one for the mayor's election, and one for each ward, by him

appointed and legally qualified, who shall receive the tickets and put them in their respective boxes, provided for that purpose. Each inspector shall, personally, or by an agent chosen by him and legally qualified, take down a list of the persons voting for mayor and aldermen of said city in their respective wards. And the said sheriff or deputy, shall, in the presence of said inspectors, at the hour of five o'clock in the evening, close the said polls, and open the said boxes containing the ballots and examine and number the same, and shall declare the person receiving the highest number of votes in the mayor's box, the mayor of the city of Charlotte, and the three persons who shall have received the greatest number of votes in their respective ward boxes, "Aldermen of the City of Charlotte" for two years from the third day next after the day of a election, provided that in case of a tie, the sheriff or deputy shall give the casting vote; *Provided*, That in case the sheriff or deputy, refuse or neglect to hold said election, he shall forfeit and pay to the use of the corporation, one thousand dollars, to be recovered in any court of record, by any person who shall sue for the same.

SEC. 5. *Be it further enacted*, That on or before the fifth day after this election, the mayor and aldermen elected shall meet at the city hall, or some other place by them appointed, and shall then and there take an oath to support the constitution and laws of the State of North Carolina, and of the United States, and to discharge the duties imposed upon them, by virtue of their office as mayor and aldermen, with fidelity and integrity, to the best of their ability; which oaths shall be administered by some justice of the peace, or by the former mayor.

SEC. 6. *Be it further enacted*, That it shall be the duty of the mayor to preside, if present, at all meetings of the board of aldermen; to call meetings of said board when he shall see fit and when required in writing by five members of said board, and, if he shall refuse when so re-

quired, they may, of themselves, convene a meeting; and in case of the voluntary absence of the mayor, when his presence is necessary to make a legal assembly, or refuse to perform any duty which said board shall require of him by ordinance, he shall be, two thirds of the board of aldermen concurring, liable to indictment before the superior court of law for said county as for a misdemeanor, and, on conviction, may be fined at the discretion of the court, said fine to go to the use of the city. And he shall see that the laws of the State, and the ordinances of the board of aldermen, are obeyed and executed within the city; and shall be a justice of the peace during his mayoralty, and for three months thereafter, and shall perform all the duties required of such an officer by the laws of the State of North Carolina. And any person or persons, against whom he shall give judgment or pass sentence by virtue of the power herein granted, or by any ordinance of the board of aldermen, who shall feel themselves aggrieved thereby, may appeal to the county or superior court of law, held in and for the county of Mecklenburg, first filing such a bond as is required in such cases, in courts of common law. And the said mayor shall keep a faithful record of all processes, returns, judgments, sentences and all proceedings therein before him, in a book provided for that purpose, and deliver the same to his successor in office. And in all cases, where the person or persons shall be unable to pay the fine or penalty imposed, he shall have power to sentence such person or persons to confinement and hard labor, within the corporation, for a term not exceeding three months. And in all cases of appeals, he shall return all the original papers, together with his judgment therein, to the court to which such appeal was granted. And he shall be entitled to demand and receive the following fees, to wit: in breaches of the peace, and all breaches of any of the ordinances of the said board of aldermen, for every warrant, twenty-five cents; for every subpoena, or order to sum-

Right of appeal granted against judgment of mayor or aldermen.

Mayor to keep record, returns of, etc.

Mayor's fees.

mons a witness, ten cents; for every judgment, fifty cents; for every appeal granted, and recognizance taken in pursuance thereof, twenty-five cents; for filing copy of his minutes, fifty cents. In civil cases, for every warrant or attachment, twenty-five cents; for every subpoena, or order to summons a witness, ten cents; for every judgment rendered upon any warrant, twenty-five cents; for granting an appeal, or stay of execution, ten cents; for every execution, twenty-five cents, which said fees may be recovered or collected as other fees to officers are, or may be collected, and the board of aldermen may, if they deem it expedient, allow said mayor an annual salary not exceeding fifteen hundred dollars, to be paid out of the city treasury.

SEC. 7. *Be it further enacted*, That the said board of aldermen shall meet at the city hall, or some other place appointed by them, on the third Monday night in each month, and at such other times as may be agreed upon, from time to time by them, and a majority shall constitute a quorum for the transaction of any business.

SEC. 8. *Be it further enacted*, That at the first meeting of the board of aldermen, or as soon thereafter as practicable, they shall appoint some citizen to the office of city clerk and treasurer, who shall be allowed a reasonable salary, to be fixed by the said board, and paid annually; and who shall hold his office during the official term of said board, subject, however, to be removed at any time for misbehaviour. The said clerk and treasurer, so appointed, shall give a bond, with acceptable sureties, payable to the mayor and board of aldermen, in a penal sum to be fixed by the board; with the condition of the keeping by him regular and faithful proceedings of said board at their meetings; and the keeping of all books, papers and articles committed to his custody, during his continuance in office, and to deliver them to his successor; and that he shall receive and faithfully keep all monies which shall be paid to him for the use, and on behalf of the

Salary.

Place and time of meeting of board of aldermen.

Treasurer and clerk appointed, salary of.

Clerk and treasurer to give bond and security, duties of.

board of aldermen, and disburse the same, according to an order given in obedience of the direction of said board, appearing on their minutes ; he shall keep a fair and correct account of all the monies so received and disbursed by him, in a book kept for that purpose ; that he shall submit said accounts to the said board whenever required ; that he shall pay to his successor all monies in his hands, belonging to said board ; and that he will faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said board, during his continuance in office ; and the book of proceedings of the board of aldermen, kept by the said clerk and treasurer, shall be evidence in any court of record. And the said clerk and treasurer shall make a roll of the whole number of qualified voters of the said city, from the tax list, which roll he shall exhibit to the board of aldermen at least one month preceding each election, a copy of which roll he shall deliver to the inspectors holding the election, on the day of election for aldermen, made out according to wards, and no person shall be entitled to vote whose name does not appear on said roll.

Appointment
of city con-
stable.

SEC. 10. *Be it further enacted,* That the board of aldermen shall appoint, within thirty days after their election, a fit and proper person, who shall be a qualified voter of the city, to the office of city constable, who shall give bond, with approved sureties, in a penal sum to be fixed by, and payable to the mayor and board of aldermen of said city, with the condition that he will diligently collect all taxes imposed by the said board, and that he will faithfully pay to the clerk and treasurer all sums of money collected or recovered by him to, or for the use of said board, and that he will faithfully discharge all other duties imposed on him by the laws and ordinances of said board, and shall obey and diligently execute all lawful precepts to him directed by the mayor of said city, for which service he shall be allowed a reasonable salary to be fixed by the said board, and payed annually. And

the said constable shall hold his office during the term of the board appointing him, subject however to be removed at any time for misbehavior.

SEC. 11. *Be it further enacted*, That it shall be the duty of the city constable, during the term of office, to apprehend all disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of an intention to commit a felony, and to imprison such person or persons, until he, she or they can be brought before the mayor or justice of the peace, to be dealt with according to law, or may give bail for his, her, or their appearance before the mayor or justice of the peace, if the constable shall think fit to take bail in the manner usually given to sheriffs. And in case such person or persons bailed do not appear, such action shall be taken on the bond, as is usual in courts of record before the mayor or a justice of the peace. And it shall be the duty of said constable to preserve the peace by the suspension of disturbances, and the apprehension of all offenders, and for that purpose he shall have, and is hereby invested, with all powers now vested in sheriffs and constables, and he shall also have, and is hereby invested with the same powers, in the execution of processes directed to him, as that given to sheriffs in similar cases. And the said constable shall have power to appoint such, and as many persons, deputies, as the said board may deem fit and necessary to the discharge of his duties.

SEC. 12. *Be it further enacted*, That if any person shall assault or resist the city constable, or any member of the police, in the discharge of his or their duty, or shall aid or incite any person or persons, so to assault or resist, every such offender being convicted thereof before the mayor, or justice of the peace, shall for every such offence, forfeit and pay such sum, not exceeding five hundred dollars, as the presiding officer may, in his judgment, think fit to impose: *Provided, always*, That nothing

Duties and powers of city constable.

Penalty for resisting constable.

Proviso.

herein contained, shall prevent any prosecution by way of indictment, against any person so offending, but so as that such person shall not be prosecuted by indictment, and also proceeded against under this act, for the same offence.

Weigh-master,
duties of.

SEC. 13. *Be it further enacted,* That the said board of aldermen may, at their first monthly meeting after their election, appoint a weigh-master, whose duty it shall be to weigh all cotton sold in said city, and an inspector whose duty it shall be to inspect all flour, provisions and forage, and all other marketable produce, sold in said city, in their judgment requiring weighing or inspection, and the weigh-master and inspector, so appointed, shall give bond with approved security, payable to the aldermen of the city of Charlotte, in a penal sum to be fixed by them conditioned, for the faithful discharge of all duties imposed by law, or the ordinance of said board, and shall take an oath before entering upon the duties of inspector or weigh-master, and the said board shall have power to remove him, or them, for misbehavior or neglect, or malpractice in office, and appoint a successor instead, and the board of aldermen are hereby authorized and empowered to regulate the fees, to be paid for such weighing and inspection, and by whom to be paid, and to make and establish all necessary ordinances for said officers, and to impose fines for the violation of such ordinances.

Aldermen to
appoint auc-
tioneer, bond
of, etc.

SEC. 14. *Be it further enacted,* That the said board of aldermen, shall, at their first monthly meeting after the election, appoint one or more auctioneers for the city of Charlotte, who shall execute bond in the sum of five thousand dollars payable to the State of North Carolina, conditioned that he will faithfully perform all duties required of auctioneers by law, which bond shall be filed with the clerk of the county court, to be by him safely kept, and no person shall exercise the office of auctioneer in said city, except those duly appointed by the board of

aldermen, and the said board shall make ordinances regulating auction sales in said city, and the said auctioneer or auctioneers shall pay, as a tax, a certain per cent. on all sales, hires and profits made by virtue of his or their office, not to exceed one per cent., to be levied by the board of aldermen.

SEC. 15. *Be it further enacted*, That it shall be the duty of the said board of aldermen to appoint annually three citizens of said city, who shall have each a freehold in said city, assessed for taxation at not less than fifteen hundred dollars, whose duty it shall be to assess the real value of all city lots situated within the corporate limits of said city, which said lots shall be taxed according to said valuation, and that said assessors, before proceeding to discharge the duties assigned them, shall take an oath before the mayor of said city, that they will fairly and impartially assess the value of all the lots within said city, for which they shall be allowed a compensation by the board.

Three assessors to be appointed, duties of.

SEC. 16. *Be it further enacted*, That the said board of aldermen shall have power to organize a police force or patrol for said city, either by hiring persons to act as such, or by enrolling all the free white male inhabitants of said city, of the age of eighteen years and upwards, (except such as they may deem proper to exempt by reason of old age or infirmity,) and dividing them into classes of equal number, not exceeding ten, to be arranged alphabetically, or drawn by lot (as jurors are chosen) from the persons enrolled, as they may deem expedient. The said board of aldermen shall have power to enact by-laws for said police or patrol, so hired or appointed, and to impose fines and penalties for the infringement of any by-law so enacted, which fines and penalties, when incurred by a minor, shall be recovered from the parent or guardian, (or master, if an apprentice,) of such minor so offending. That the police and patrol, so hired or appointed by the said board, whilst on duty, shall have all the powers

Powers.

which patrols now have by law, and, for the suppression of riots and disturbances, and the preservation of the peace, and the enforcement of the ordinances, all the powers vested in the city constable.

Duty of clerk
and Treasurer.

SEC. 17. *Be it further enacted*, That the clerk and treasurer shall, at such time as may be prescribed by the board of aldermen, make advertisement in one or more papers published in the city, notifying all persons residing in the city, on or before the first Monday in February, who own or possess taxable property in the city on the day aforesaid, to return to him within thirty days from the date of said advertisement, a list of their taxable property in said city; said list shall state the number of lots, or parts of lots, the number of taxable polls residing on the lots, and all other property now made, or hereafter made taxable by the board of aldermen or otherwise, and the list so returned to the clerk and treasurer, shall be sworn to before him, and he is hereby authorized to administer the oath to all persons making such returns: and the said list shall be filed, and from the same the clerk and treasurer shall, within thirty days after the expiration of the time for taking said list, make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property, who have so made their returns, in the same manner as tax-lists are made out by law for the collection of State taxes, and shall deliver to the city constable a certified copy of the same, for the collection of the taxes therein returned; and the said tax-list shall be in the nature of a judgment and execution for the taxes therein mentioned.

Penalty for
failure to list
property.

SEC. 18. *Be it further enacted*, That the clerk and treasurer shall, within thirty days from the return of the tax-list, make out, to the best of his knowledge and belief, a list of taxable polls, and owners of taxable property in said city, who shall have failed to return a list in the manner and time aforesaid, and said persons so listed, shall forfeit and pay a sum to be fixed by the board,

not exceeding twice the sum paid by the person paying the greatest tax in said city, which penalty may be recovered, as other fines and penalties imposed by the board of aldermen before the mayor or any justice of the peace.

SEC. 19. *Let it further enacted*, That the board of aldermen shall have power to levy annually, and cause to be collected the following taxes, to wit:

No. 1. On each and every poll, liable to pay a tax to the State, a tax not exceeding ten dollars. Poll tax.

No. 2. On the valuation of real estate, a tax not exceeding one per cent. Real estate.

No. 3. On every one hundred dollars of nett interest, dividend and profits received, or due from solvent creditors during the fiscal year, arising from money loaned or otherwise, except the bonds of the corporation, a tax not exceeding three per cent. On interest, dividend and profits.

No. 4. On all carriages, buggies, sulkies, and other vehicles of pleasure, a tax not exceeding five per cent, on the valuation. Carriages, etc.

No. 5. On all gold and silver plate and musical instruments, of the value of fifty dollars or more, a tax, not exceeding three per cent. on valuation. Plate and musical instruments.

No. 6. On every pistol, bowie-knife, dirk, sword-cane, or any other deadly weapon worn upon the person except a pocket knife, without the special permission of the board of aldermen, a tax of fifty dollars. Pistols, bowie-knives, etc.

No. 7. On all goods, wares, merchandize, and articles manufactured out of the city, a tax not exceeding one per cent. on the original bills, invoice or valuation. Goods, wares, etc.

No. 8. On all keepers of eating houses, fish, or meat or vegetable, or bread-stands or fruiterers, a tax not exceeding one per cent on the bills of cost or valuation. Eating houses.

No. 9. On all pedlers of articles of any kind whatever, organ grinders and all itinerant musicians, a tax not exceeding fifty dollars. Pedlers.

No. 10. On every keeper of a house of public entertainment or boarding house, or livery stable keeper, a Hotels, stables, etc.