LAWS AND RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1883,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON WEDNESDAY, THE THIRD DAY OF JANUARY, A. D. 1883,

TO WHICH ARE PREFIXED

A REGISTER OF STATE OFFICERS, MEMBERS OF THE GENERAL ASSEMBLY, JUDICIARY, A LIST OF COMMISSIONERS OF AFFIDAVITS, AND STATE CONSTITUTION.

PUBLISHED BY AUTHORITY.

RALEIGH:
ASHE & GATLING, STATE PRINTERS AND BINDERS,
1883.

Collection of taxes.

SEC. 5. That the following shall be added as section six, to-wit: "That the taxes levied by said town authorities shall be collected by the town constable of said town, who is hereby empowered to collect the same in the same manner and form as other taxes are collected by the sheriff of the county, and that all fines and penalties collected by the authorities of said town shall be expended in defraying the expenses and improving the streets of said town."

SEC. 6. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.

CHAPTER 153.

An act to amend the charter of the town of Troy, Montgomery county.

The General Assembly of North Carolina do enact:

Incorporation continued.

SECTION 1. That the inhabitants of the town of Troy shall continue as heretofore a body corporate under the

Name.

name and style of "The Town of Troy," and under such

Corporate powers.

name is hereby invested with all the privileges, immunities and franchises, property and all other rights heretofore belonging or appertaining to the town of Troy, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the town as its board of commissioners may deem necessary and expedient.

Officers.
Election.

SEC. 2. The officers of the town of Troy shall consist of a mayor and five commissioners, to be elected by ballot on the first Monday in May of each year, or on such other day as may be designated and set apart by the general

law of the state for municipal elections; also a town constable, to be elected at the time and in the manner as above stated; also a secretary and treasurer, to be chosen by the board of commissioners immediately after its organization, to hold for one year or until their successors are elected or appointed; and it shall be the duty of the mayor to give notice of the election ten days previous thereto by posters, written or printed, and put up at three or more public places within the corporate limits of the said town, and if the board of commissioners of Montgomery county shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor, who with himself shall hold said election. Constable. Secretary and treasurer. Notice of election.

SEC. 3. That any qualified voter of this state shall be eligible as mayor or commissioner, and entitled to vote in the municipal election of said town: *Provided*, he shall have resided within the corporation for ninety days next preceding the election. Who eligible for mayor. Proviso.

SEC. 4. That on the day of election the inspectors shall give due attendance at the time and places appointed, shall be judges of the polls, receive the votes, and conduct the election in the manner and during the same hours of the day as are prescribed for election of members of the general assembly. Duties of Inspectors of election.

SEC. 5. That the inspectors shall certify and subscribe the poll and registration lists and return them to the town secretary, who shall take charge of and preserve the same. Returns of election.

SEC. 6. That the mayor, as a peace officer, shall have within the corporate limits of said town all the powers and authority of a justice of the peace, and as a judicial officer within the same, all the powers, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the board of commissioners, to impose penalties upon any adjudged violation thereof, to fine and imprison either in the guard house of the town or the common jail of the Jurisdiction of mayor.

county, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the superior court of Montgomery county, upon recognizance and security for his appearance at the next term thereof.

Jurisdiction of mayor.

SEC. 7. That the mayor of said town shall have jurisdiction to hear and determine all violations of the ordinances of said town without requiring a complaint on oath in writing from the party injured, but may exercise said jurisdiction on the complaint of any other person, or where the offence is committed within his own knowledge, view or presence.

Imprisonment for non-payment of fines, etc.

SEC. 8. That the mayor shall have power to commit any person convicted of a violation of said ordinances to prison until the fines and costs are paid, and such person can only be released as is provided in like cases in other courts.

Violation of town ordinance a misdemeanor.

SEC. 9. That every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars, or imprisonment for not more than thirty days.

Application of fines.

SEC. 10. That all fines collected under the provisions of this act for violations of town ordinances shall go to the use of the town.

Fees of mayor.

SEC. 11. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases, and may be allowed by the board of commissioners an additional salary not to exceed one hundred dollars a year.

Salary.

Ordinances, etc.

SEC. 12. The commissioners shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the good government of the town as they may deem necessary, not inconsistent with the constitution of the state and the laws of the land.

Powers of commissioners.

SEC. 13. The commissioners shall have power and it shall be their duty to provide for and secure the good order and tranquility of the town against disturbance, by

quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace, or other irregularities tending to disturb the peace of the citizens; they shall provide for repairing the streets, sidewalks and alleys, and cause the same to be kept clean and in good order, make regulations for the observance of the Sabbath, suppress and remove nuisances, and prohibit any indecent exposure of person by imposing such fines and imprisonment in all cases within the jurisdiction of a justice of a peace, as they shall deem adequate.

Firing of guns, etc.

SEC. 14. They may prohibit the firing of any gun, pistol or other dangerous or combustible substance in the streets of said town or elsewhere therein.

Streets.

SEC. 15. The commissioners shall have power to lay out and open any new street within the corporate limits of said town whenever by them deemed necessary, and they shall have the power at any time to widen, enlarge, change, extend, narrow and discontinue any street within said corporate limits whenever they may so determine, by making a reasonable compensation to owners of property damaged thereby. In cases where the owners of land cannot agree with the commissioners regarding the value of the land or property and damages, the mayor of the town shall issue his warrant to the town marshal, commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above to be selected by the party claiming damages, shall determine the value of such property and assess the damages, after which they shall return a report of their proceedings into the office of the mayor, there to be filed; before proceeding to view said premises and assess said damages, the parties so summoned shall take the following oath before the mayor of the town or some justice of the peace: "I, A. B., do solemnly swear or affirm that I will faithfully and honestly discharge the duty of appraiser for which I have been chosen and a true report make, so help me God." If the party damaged or claim-

ing damagee refuses to select two appraisers as provided above, the report of the three summoned in behalf of the town shall be final: *Provided*, that if either the commissioners or the opposite party be dissatisfied with the report of the freeholders, then they may appeal to the superior court of Montgomery county, and in that case the report of valuation and the proceedings therein shall be sent up by said appraisers to said court, there to be determined.

Proviso.

Duties of constable.

SEC. 16. That it shall be the duty of the town constable or marshal to see that the laws, ordinances and orders of the commissioners are enforced; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in sheriffs and county constables, and he shall have the same fees on all processes and precepts executed or returned by him, which may be allowed to constables of the county on like processes and precepts, and also such other compensation as the commissioners may allow.

Precepts of mayor.

SEC. 17. That the mayor of said town may issue his precepts to the constable, who may execute the same anywhere in Montgomery county, and to that end the said constable may summon any citizen of said county to his assistance, who, upon refusal to act, shall be considered guilty of a misdemeanor, and upon complaint of said officer to the mayor or some justice of the peace, he shall be tried and punished in the discretion of the court within the limits prescribed in the jurisdiction of a justice of the peace.

Misdemeanor.

Powers of constable.

SEC. 18. That the town constable may arrest parties offending against town ordinances in his presence or view, or when endeavoring to make their escape without the limits of said town, without a warrant, and he shall commit all offenders in a state of intoxication to the guard house or county jail until they become sufficiently sober to appear before the mayor for trial; said town constable may also arrest without warrant any person violating the

ordinances of the town in the night time, and may commit such offender to the guard house or county jail, and the sheriff or jailer of Montgomery county is hereby required, without a *mittimus*, to receive into the jail of the county the person thus surrendered as his prisoner, and the person thus taken up in the night time shall be brought before the mayor on the morning following and be dealt with according to law. Duty of sheriff.

SEC. 19. 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, rules or regulations of said town; and the said commissioners shall have power to control and work the offenders above named until said fines, penalty or forfeitures, together with all costs, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt. Persons failing to pay fines, etc., liable to work on streets.

SEC. 20. That all officers of said town of Troy who shall on demand fail to turn over to their successors in office any property, moneys, books or effects of the town, shall be deemed guilty of a misdemeanor, and upon conviction before the superior court of Montgomery county shall be fined or imprisoned at the discretion of the court. Official failing to turn over property to successor guilty of misdemeanor.

SEC. 21. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 12th day of March, A. D. 1883.