CHAPTER 435.

AN ACT TO REVISE, AMEND, AND CONSOLIDATE THE CHARTER OF THE TOWN OF BEAUFORT, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the town of Beaufort, in the county of Carteret, shall be and continue as they have heretofore been, a body politic and corporate under the name and style of the town of Beaufort, and under that name is hereby invested with all the property and rights of property which now belong to the corporation under any other name or names, heretofore, and by this name may acquire and hold all such other estate as may be devised, bequeathed, sold, or in any manner conveyed to it from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell, or dispose of the same; and under this name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights, and privileges necessary or belonging to or which shall pertain to municipal corporations.

Corporate name.

Rights and property vested.

Corporate powers.

Present government continued.

Sec. 1a. That the present mayor of said town of Beaufort and the present commissioners of said town shall continue in office as such and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as is herein provided.

CORPORATE LIMITS.

Corporate limits.

Sec. 2. The corporate limits of said town of Beaufort shall be as follows: Beginning on the north side of Taylor's Creek at the mouth of a gut or drain which marks the eastern line of James Mason's land, running thence northwardly with said Mason's line to the northeast corner thereof, thence to the southeast corner of the land claimed by the late James H. Taylor by purchase from Valentine Manney and others, thence northwardly with the eastern line of said land to James Ward's line, thence westwardly with James Ward's line to the eastern line of Gordon Street to Town Creek, thence with the various courses of said creek to the Thoroughfare, thence with the Thoroughfare southwardly to the southern line of water lot number one hundred and thirty-two, New Town, and thence along the north side of Taylor's Creek to the beginning.

Division into wards.

First ward.

Sec. 3. That the town of Beaufort shall be divided into three wards, bounded as follows: The First Ward shall consist of that part of the town included within these boundaries: beginning at a point the extreme southwest point of Beaufort and running east with the southern boundary of said town to the middle of

Orange Street where it intersects with the southern boundary of said town; thence running northwardly through the middle of Orange Street to the extreme northern boundary of the town of Beaufort; thence westwardly and southwardly the various meanderings of said boundary to the beginning, so as to include all territory west of the middle of Orange Street. The Second Ward shall consist of that part of the town included within these boundaries: beginning at a point in the extreme southwestern section of the southern boundary of Beaufort where a line through the middle of Orange Street intersects with the southern boundary line of said town and running along the southern boundary of Beaufort eastwardly to a point in the middle of Queen Street where the same intersects with the southern boundary of Beaufort; thence running northwardly through the middle of Queen Street to the extreme northern boundary line of Beaufort; thence westwardly along the northern boundary line to Orange Street where a line in the middle of Orange Street intersects with the northern boundary line of said town of Beaufort; thence southwardly to the middle of Orange Street to the beginning point, so as to include all that territory between the middle of Queen Street and the middle of Orange Street in said town. The Third Ward shall consist of that part of Beaufort included in the town of Beaufort east of the line running through the middle of Queen Street from the extreme southern boundary of the town of Beaufort to the extreme northern boundary of said town, and being all of said town not included in First and Second wards as above set out, and including all the territory east of the middle of Queen Street in said town of Beaufort.

Second ward.

Third ward.

THE TOWN GOVERNMENT.

Sec. 4. That the corporate powers and authorities granted to the said town of Beaufort shall be vested in and exercised by a mayor and six commissioners. No person shall be eligible as mayor or commissioner unless he shall be eligible as a member of the Legislature of this State, and shall have resided in the town six months next preceding the election; and every commissioner elected by the people or selected by the board, as hereinafter provided, shall be a resident of the ward from which he shall be chosen for ninety days next preceding the day of such election.

Mayor and commissioners.

Eligibility.

ELECTIONS.

Sec. 5. There shall on the first Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and every year thereafter, be elected a mayor and six commissioners for the said town of Beaufort. There shall be chosen from each the First, Second, and Third wards by the qualified voters therein two commissioners, and a mayor shall be chosen by the qualified voters of said town. The government of said town shall be vested in the

Town election.

Government of town.

Order for new registration.

mayor and said board of six commissioners, and such other officers as are hereinafter provided for. That the present board of commissioners of said town of Beaufort shall order, thirty days before the election first held under this charter, an entire new registration of the qualified voters of said town.

QUALIFICATION OF VOTERS.

Qualifications for voters.

Sec. 6. That all persons entitled to vote for members of the General Assembly at the time of the election provided for in the preceding section and who shall have been residents of the town of Beaufort for ninety days next preceding the day of election, and shall be duly registered as herein provided for, shall be allowed to vote for the said commissioners and mayor, and no one except a qualified elector of the town shall be eligible to any office in the corporation, and the said commissioners shall be residents as herein prescribed for electors of the wards for which they are chosen.

Electors only eligible for office.

Residence of commissioners.

General laws applicable.

Sec. 7. That the provisions made or hereafter made by the General Assembly which may be in force at the time of any election in said town of Beaufort for testing the qualification and right of any person to vote shall apply as aforesaid to any election held under this charter, and the registrar and judges of election are hereby vested with full and ample power to pass upon and decide such qualifications.

Appointment of registrar and judges.

Sec. 8. That the board of commissioners shall at least thirty days before each election held under this charter, including one thousand nine hundred and thirteen, and every year thereafter, appoint a registrar and two judges of election (the said judges to be each of different political persuasion), one from each ward and all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the courthouse door and notice to be served on such appointees by the chief of police of said town and shall give ten days notice of the registration of voters for said election at the courthouse door and by publishing the same for one week in a newspaper published in said town of Beaufort, specifying the time, place, and name of registrar for said election.

Notice of appointments and for registration.

Registration books.

Sec. 9. That the registrar shall be furnished by said board of commissioners with the registration books and it shall be his duty, after being qualified, to perform the functions of his office fairly, impartially, and according to law; to revise the existing registration books of the said town in such manner that said books shall show an accurate list of electors previously registered in said town and still residing therein and entitled to vote, without requiring such electors to be registered anew; and such registrar shall also, between the hours of eight o'clock a. m. and five o'clock p. m., Sunday excepted, from and including the last Tuesday in March up to ten days previous to the election, keep open the books

Revision of books.

Registration of new voters.

for the registration of any electors residing in such town and entitled to registration, whose names do not appear on the revised list, and he shall register in said books all names of persons not so registered who may apply for registration and who are entitled to vote in said town, keeping the names of the white voters separate from the names of the colored voters, and any person offering to register may be required to take and subscribe an oath that he has resided in the State of North Carolina two years, and in the town of Beaufort six months previous to the day of election, and that he is twenty-one years of age and that he is a qualified elector of said town, as defined in section six of this act. If any person willfully swear falsely in taking such oath, he shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars, or be imprisoned for ninety days in the county jail, or both, but the board of commissioners, upon fifteen days notice before the opening of the books, may order an entirely new registration of voters whenever they may deem it proper and necessary so to do.

Segregation of voters.
Registration oath.
False swearing misdemeanor.
Punishment.
New registration.

Sec. 9a. The registration books shall be closed ten days before the election, and after the same are closed no person shall be allowed to register except those coming of age after the books are closed and before or on election day, who are otherwise qualified electors of the town, and the books shall then be placed in the office of the town clerk and may be inspected by any person so desiring, and the clerk shall mark the day on which they are received by him, and they shall not be taken from his custody until the day of the election. Any registrar failing to deposit his registration book with the clerk at the time prescribed shall receive no compensation for making said registration and shall be guilty of a misdemeanor.

Close of registration.
Registration after closure.
Deposit of books.
Inspection of books.
Penalty for failure to deposit books.

Sec. 10. That after being duly sworn by the mayor, or a justice of the peace, to conduct the election fairly, impartially, and according to law, the registrar and judges of election shall open the polls, receive and deposit the ballots in the boxes provided for that purpose (having separate boxes for each ward, and separate box for mayor), administer oaths, decide all challenges, and on the day of election for municipal officers in like manner and during the same hours as elections for members of the General Assembly are conducted. They shall count the ballots and declare the result and shall receive such pay for their services as may be allowed by the board of commissioners of the said town.

Registrar and judges to be sworn.
Conduct of election.
Ballot boxes.
Count of vote and declaration of result.
Pay of officers.

Sec. 10a. That all elections hereunder shall be held at the town hall in said town, except in case of fire or other good cause, when the registrar and poll-holders may move to some other convenient place to be selected by them; that the votes and ballots shall be cast in separate boxes for each ward, respectively, and the said box shall be properly and legibly labeled.

Voting place.

Mayor to fill vacancies.

Sec. 11. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the mayor at once, and if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him, after being duly sworn, or if a vacancy should occur in said office for any reason, then the mayor shall appoint to fill the vacancy. The voter shall designate on his ballot the person for whom he votes for commissioner and mayor; otherwise his vote shall not be counted. The ballots shall all be on white paper and without device, and the commissioners for each ward shall be so designated and voted for on the same ballot by qualified voters in each respective ward only.

Votes not counted.

Ballots.

Count of votes.

Persons declared elected.

Sec. 12. That at the close of the election the votes shall be counted by the registrar and judges, and such persons as shall receive the largest number of votes for commissioners shall be declared elected for their respective wards, and the person who shall receive the largest number of votes for mayor shall be declared elected mayor of said town, and said commissioners and mayor shall be notified of their election by the said registrar and judges (and said commissioners and mayor shall each qualify by taking the proper oath within five days after the notification of their election). The board of commissioners may at any time provide for more than one voting place and may appoint such registrar and judges as may be proper, and in case more than one voting place is provided, the board may make such provisions as it may deem proper as to the residence of the registrar and judges and as to the number at each place.

Officers-elect to be notified and qualify.

Additional voting places.

Ballots to be preserved.

Poll and registration lists. Deposit.

Returns of elections.

Sec. 13. After the ballots shall have been counted, they shall be carefully preserved and the registrar and judges of election shall certify and subscribe the poll and registration list, which, together with ballots aforesaid, shall be returned to the town clerk, who shall keep them in the archives of the town, and two returns of the result of the election shall be made under the hands of the registrar and judges of election, setting forth, in writing and in words and figures, the number of votes which each candidate received, one of which returns shall be given to the mayor and the other filed in the archives of the town by the town clerk, who shall within two days thereafter publish the result of the election at the door of the town hall or courthouse.

Mayor to qualify.

Sec. 14. The mayor, within five days after his election and before entering on the duties of his office, shall qualify before a justice of the peace or a notary public, and the said mayor shall subscribe the following oath: "I, ..., do solemnly swear or affirm that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the mayor of the town of Beaufort while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances, and regulations made for the govern-

Form of oath.

ment of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever."

Commissioners to qualify.

Sec. 15. That each commissioner, before entering upon the duties of his office, shall take before some justice of the peace, or notary public, an oath that he will truly and impartially perform the duties of commissioner for the town, according to the best of his skill, ability, and judgment.

Terms of office.

Sec. 16. That the mayor and commissioners shall hold their offices, respectively, until the next ensuing election and until their respective successors shall have qualified.

Forfeit for failure to hold election.

Sec. 17. That if the commissioners shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in default shall forfeit and pay to the benefit of the town the sum of one hundred dollars, to be divided one-half to such persons as shall sue to recover said penalty in behalf of said town and one-half to the said town.

Commissioners to fill vacancy in mayoralty.

Sec. 18. That if any person elected as mayor shall refuse to qualify, or there is a vacancy in the office after election and qualification, or if the mayor be unable to discharge the duties of his office, the board of commissioners shall choose some person for the unexpired term or during his disability, as the case may be, to act as mayor, and he shall be clothed and vested with all the authority and powers given under this charter to the regular mayor; and the board of commissioners shall also choose other commissioners to supply the place of such commissioner or commissioners as shall refuse to act, and fill all vacancies which may occur, but only such persons shall be so chosen as are heretofore declared to be eligible: *Provided*, in the event of the mayor's absence, or sickness, or inability to act, the board of commissioners may appoint one of their number *pro tempore* to exercise his duties.

Vacancies in board of commissioners.

Proviso: mayor pro tempore.

Forfeit for failure to qualify.

Sec. 19. That any person elected or chosen as commissioner, or any person elected as mayor, as herein provided, who shall refuse to be qualified and act as such, shall pay to the equal use of the town and of him who will sue therefor the sum of twenty-five dollars.

Mayor constituted special court. Jurisdiction and powers.

Sec. 20. That the mayor of the town of Beaufort is hereby constituted a special court, with all the jurisdiction and powers now and hereafter given to justices of the peace in criminal offenses occurring within the limits of said town, or upon property belonging to said town. He shall keep and preserve the peace and may, upon proper proceedings, cause to be arrested persons found in the town limits charged or convicted of crimes in other counties or States, and may appoint such persons to appear at the proper tribunal to answer for their offenses, or in proper cases may imprison them. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said town, to enforce penalties by issuing executions upon any adjudged violations thereof, to exe-

Criminals from other jurisdictions.

Further jurisdiction.

cute the laws and rules made by the commissioners, and his indorsement of the names of witnesses upon a summons or a warrant shall be authority for the officer to execute the same, and he may issue process without complaint in sworn form, when he is satisfied that there has been a violation of the law.

Proceedings.

Sec. 21. That all proceedings in the mayor's court shall be the same as now are or hereafter shall be prescribed for courts of the justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of the county of Carteret; that whenever a defendant or a witness or other person shall be adjudged to be imprisoned by the said court for failure to pay fines and costs, it shall be competent for the said court to sentence such person or persons to imprisonment in the county jail, or the town calaboose, for a term not exceeding thirty days, and to adjudge also that such persons during the period of their confinement shall be worked on the public streets or on the public works of the said town of Beaufort.

Right of appeal.

Sentences.

Officers to whom precepts shall issue.

Sec. 22. That the mayor may issue his precepts, warrants, summons, and other process to the chief of police of the said town, and to all such other officers to whom the justices of the peace may issue his precepts; and the said mayor is further authorized hereby, in special cases in which he may deem it necessary, to deputize and authorize special officers to serve his precepts, warrants, and other process.

Special officers.

Minutes of precepts and proceedings.

Force and execution of judgments.

Sec. 23. That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue, and validity of judgments rendered by a justice of the peace and as especially herein provided, and may be executed and enforced against the parties in Carteret County, and elsewhere, in the same manner and by the same means as if the same had been rendered by a justice of the peace or a court of competent jurisdiction for the county of Carteret.

Mayor's office.

Duties and salary.

Sec. 24. That the mayor shall have his office in the town hall of said town; he shall keep the seal of the corporation and perform such duties as from time to time shall be prescribed for him by the said board of commissioners, and he shall receive a salary to be fixed by the board of commissioners.

Mayor to preside at meetings and settle ties.

Sec. 25. The mayor shall preside at all meetings of the board of commissioners, except as otherwise herein provided, and when there is an equal division upon any question or any election of officers by the board, he shall determine the matter by his vote, and he shall not vote in any other case.

BOARD OF COMMISSIONERS.

Commissioners one body. Quorum.

Sec. 26. That the commissioners shall form one body, and a majority of them shall constitute a quorum and be competent to perform all the duties prescribed for the commissioners, unless

otherwise provided. Within five days after their election, they shall convene for the transaction of business and organization, and shall fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. Special meetings of the board may be held on the call of the mayor or a majority of the board of commissioners, and all commissioners, when a meeting is called by the mayor, and those not joining in the call when made by a majority of the board shall be notified of the meeting at least one day before the same, but the board may at any regular meeting adjourn the meeting to any subsequent time, at which said time it may transact any business that could be transacted at a regular meeting.

To convene within five days.
Stated meetings.
Special meetings.
Adjourned meetings.

Sec. 27. That the said commissioners, when convened, shall have full power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town or general welfare of the same as are not inconsistent with this charter and with the Constitution or laws of the State; shall have power to make and provide ordinances to secure the order, health, quiet, and safety within the town limits and for one-half mile beyond; to take all necessary means to prevent and extinguish fires; to make regulations for the observance of the Sabbath, for the suppression and removal of nuisances, and shall regulate the building and building material to be used for the construction of buildings or structures within the town limits; and for the purpose of enforcing said ordinances they shall have full power to appoint such officers, either regular or special, as may be necessary to enforce the same.

General ordinances.
Health ordinances.
Fire ordinances.
Suppression of nuisances.
Building regulations.
Officers.

APPOINTIVE OFFICERS.

Sec. 28. That the said commissioners, at their first meeting after their election hereunder, or as soon thereafter as convenient, shall appoint a town clerk, a town attorney, a treasurer and a collector of taxes, and a chief of police (the collector of taxes and chief of police may be, in the discretion of said board, one and the same officer), who shall respectively hold their offices during the official term of the commissioners who appointed them, subject, however, to be removed at any time by the board of commissioners and others appointed in their stead, for misbehavior or neglect in office. Before acting, each of the said officers shall be sworn to the faithful discharge of his duty, and all except the town attorney shall execute a bond payable to the said town of Beaufort in such sum as the commissioners shall determine, and the said officers shall receive such compensation as the board of commissioners may allow.

Officers to be elected by commissioners.
Terms of office.
Officers to be sworn and give bonds.

Sec. 29. That it shall be the duty of the town clerk to keep regular and fair minutes of the proceedings of the board and to preserve all books, papers, and articles committed to his care during his continuance in office and to deliver them to his successor, and

Duties of town clerk.

generally to perform such other duties as may be directed by the board of commissioners and by this charter; that the treasurer shall annually make out a fair transcript of the receipts and disbursements on account of the town for the general inspection of the citizens thereof and cause the same to be posted at the door of the town hall at the end of each fiscal year, or in lieu thereof may publish such statement in the newspaper if there be such published in the town of Beaufort, in said county, and for his failure to comply with the duties prescribed in this section he shall forfeit and pay equally for the use of the town and him who shall sue therefor one hundred dollars.

Treasurer to make annual statements.

Publication of statements.

Forfeit for failure.

Sec. 30. That it shall be the duty of the treasurer to call on all persons who may have in their hands any money or securities belonging to the town which ought to be paid or delivered into the treasury, to surrender same to him, and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he 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 account 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 intrusted to him for safe keeping or otherwise, and during the continuance therein he shall faithfully perform all duties lawfully imposed on him as town treasurer.

Treasurer to collect and keep moneys.

Payment on orders.

Accounts.

Settlement with successor.

Sec. 31. That all orders drawn on the treasurer shall be signed by the town clerk and countersigned by the mayor and shall state the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts and also the source from which are derived the moneys received by him. The tax collector, whose appointment is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax list as due for town taxes; he shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll taxes and taxes on personal property which the board of commissioners shall declare to be insolvent and uncollectible; he shall at no time retain in his hands over three hundred dollars for a longer time than five days, under a penalty of ten per cent per annum to be paid to the town upon all amounts so unlawfully retained. The board of commissioners at the meeting before the last regular meeting of each fiscal year shall appoint one or more persons, either from their own number or, as the board may desire, outside of said board, to be present and assist at the accounting and settlement between the tax collector and the town treasurer, and to audit and settle the accounts of the town clerk and treasurer and chief of police. The accounts

Orders on treasurer.

Powers of tax collector.

Charges and credits.

Penalty for retention of money.

Audit of final settlement.

Report and record of audit.

so audited shall be reported to the board of commissioners, and when approved by them shall be recorded in the minute-book of said board and shall be *prima facie* evidence of their correctness and impeachable only for fraud or error specified. It shall be the duty of said board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to reëlection to said office.

Removal for failure to settle.

Sec. 32. That the board of commissioners shall have power to appoint such police force as the good government of the town may require, who shall hold their office during such term as the board appointing them may prescribe in such appointment. The chief of police shall have supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force, and at the end of each month he shall have a settlement with each policeman on account of the fines and costs collected by him. It shall be the duty of the chief of police to attend the mayor's court at each session thereof and report any violations of law or ordinances of the town; to collect all fines and penalties imposed and pay the same to the town treasurer, and to execute orders, precepts, and judgments of said court; to see that the laws and ordinances of the town are enforced, and to do such other things as may be specially required of him by the board of commissioners. The chief of police and each member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the town by suppressing disturbances and apprehending offenders; they shall execute all processes directed to them by the mayor or other duly constituted officers, and in the execution thereof shall have the same powers which sheriffs and constables have. The members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and the ordinances of the said town. The said police shall have power to take bail for appearance of defendants or other persons charged with violation of town ordinances in the manner and to the same extent as such power is vested in sheriffs, and in case such person or persons shall not appear, the mayor may issue a *sci. fa.* and enter judgment final against the defaulting party and his sureties. That the chief of police shall have the power to rearrest upon the same warrant any defendant or party who has been convicted and turned loose on the statement that he will pay fine and costs, upon failure to pay the same, or in case of an escape.

Police force.

Chief of police.

Reports of failure in duty.

Monthly settlements.

Further enumeration of duties.

Powers and authority of police.

Execution of process.

Policemen to be sworn.

Policemen to take bail.

Power of rearrest.

Sec. 33. The policemen shall receive and turn over to the town clerk the fees arising from the execution of all precepts issued by the mayor or others, which shall be the same as that of sheriffs for like service. The board of commissioners shall pass ordinances for the government and direction of the police force and fix their compensation. In times of emergency the mayor may

Fees turned over to town clerk.

Ordinances for government and pay.

Additional policemen.

appoint temporarily additional policemen for such time as shall appear necessary, not to exceed one week, who shall take the same oath and be subject to the same control as regular policemen.

Suspension of policemen.

Sec. 34. The mayor may at any time, upon charges preferred, or upon finding said chief or any member of said police force guilty of misconduct, have power to suspend such member from service until the board of commissioners shall convene and take action in the matter (and to this end, the said mayor may call a special meeting on one day's notice of said board), and upon hearing the proofs in the case, the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of his suspension to the time of his restoration to service. Any violations of the regulations or orders of any superior officer shall be good cause for dismissal, and the mayor shall suspend the chief or any member of the police force if found drunk while on duty.

Action by commissioners.

Causes for dismissal or suspension.

Badges and uniforms.

Sec. 35. The board of commissioners may require the entire police force to wear badges and to be so armed and uniformed as to be readily recognized by the public as peace officers, and the police shall have general power to do whatever may be necessary to preserve the good order and peace of the town, and to secure the inhabitants from personal violence and their property from loss or injury.

General powers.

Suits on bonds.

Sec. 36. That for any breach of his bond by the town clerk, chief of police, or any other officer who may be required to give a bond, such officer shall be liable in an action on the same in the name of the town at the suit of the town or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Jailer to receive and keep prisoners.

Sec. 37. That the sheriff or jailer of the county of Carteret is is hereby required on a mittimus to receive into the jail of the county as his prisoner any person taken up in the night by the police force, and to keep said person safely until the morning, when the offender shall be brought before the mayor or some magistrate resident in the town and be lawfully dealt with, and for such services the jailer shall be entitled to such fees as he is in other cases: *Provided, however*, that the town may provide and use a prison or a calaboose of its own.

Fees of jailer.

Proviso: town prison.

Weighers, inspectors, and auctioneers.

Sec. 38. That the board of commissioners shall have power to appoint weighers and inspectors of provisions and other products, auctioneers and such other officers as they may deem proper for the good government and welfare of the town, to make all rules and regulations governing said officers, to prescribe their fees or remuneration, and may require any of them to give bond as provided herein for other officers.

Detectives and rewards.

Sec. 39. That the board of commissioners may employ detectives and offer proper rewards for the capture and conviction of criminals in order to bring to justice the offenders against the said

ordinances, and also offenders against the laws of the State when the offense is committed in the city limits.

TAXES.

Taxing power.

Sec. 40. That in order to raise a fund for the expenses incident to the proper government of the town, the board of commissioners may annually levy and collect the following taxes, namely: (1) On all real and personal property within the corporate limits and on all personal property owned by residents of said town, including money on hand, solvent credits, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding seventy-five cents on every one hundred dollars value. (2) A poll tax not exceeding two dollars and twenty-five cents a poll on the taxable polls of all persons who may be residents in the town on the first day of May of each year. (3) Upon all dogs kept in the town and which may be so kept on the first day of May, a tax not exceeding five dollars, and all dogs so taxed shall be subjects of larceny: *Provided*, that a discrimination within this limit may be made on the different species of dogs.

Property tax.

Poll tax.

Dog tax.

Advertisement for listing taxes.

Sec. 41. That the town clerk, on the third Monday in April of each and every year, shall make advertisement in some newspaper or at the door of the town hall, notifying all persons who own or have control of property liable to taxation by the town on the first of May, to enter to him on or before the last day of May a list of their said taxable property. Said list shall state the number of lots or parts of lots and all other property now taxable or that may hereafter be made taxable by the laws of the State or the ordinances of the town, and the list so returned to the clerk shall be sworn to before him in every case, and he is hereby authorized to administer the following oath: "I, ..., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me in said town, a full and accurate list of all personal property, of Carteret County lands, and a full and accurate list of all stocks, bonds, solvent credits, and other property subject to taxation by the laws of the State and ordinances of the said town of Beaufort, according to my best knowledge, information, and belief: so help me, God."

Property to be listed.

Form of oath.

Tax books.

Sec. 42. From the return so made, the town clerk shall without fail, before the first day of July next ensuing, make out and complete his tax books, which shall contain an alphabetical list of all persons liable for taxation by the town, with the age and color, and with the assessed value of all real estate and the listed value of all personal property. The clerk shall follow the assessment on file in the register of deeds' office, but in case any property has not been assessed by the county assessor, then the clerk shall assess the property at its true value: *Provided*, that all assessments and all lists of personal property may be revised,

Assessments.

Proviso: revision of assessments.

corrected, or amended by the board of commissioners, and the valuation of any property may be raised after giving ten days notice to the person liable for taxation or his agent to show cause why such change should not be made.

Notice of raise of valuation.

Delinquent lists.

Sec. 43. That the clerk shall, after diligent inquiry and by comparing his book with the county tax books, make out a list of all persons liable for poll tax or for taxes on property who have failed to return the list in the manner and in the time prescribed, together with the estimated value of all the property not listed, and shall enter such persons in a separate part of his book, and shall charge them up with double taxes. No person shall be excused from paying said double tax except on application to the board of commissioners and for good cause shown.

Double taxes.

Excuse from double tax.

Failure to list misdemeanor.

Sec. 44. That all persons who are liable for a poll tax to the said town and who shall willfully fail to give themselves in, and all persons who own property and who willfully fail to list it within the time allowed by law as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof before the mayor of said town or any justice of the peace shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the tax collector of said town to prosecute offenders against this section.

Punishment.

Tax collector to prosecute.

Levy of taxes.

Sec. 45. That as soon as the clerk shall have furnished the assessment roll as herein provided and the same shall have been revised by the board, the board of commissioners shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the said tax collector for collection, who shall proceed forthwith in the collection and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer, and the collector for his compensation shall receive not exceeding two per cent on the amount collected.

Collection and settlement.

Commission of collector.

Collection by distress and sale.

Sec. 46. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the tax collector shall proceed forthwith to collect the same by distress and sale, together with costs of sale, after public advertisement for the space of ten days in some newspaper published in the town, if the property to be sold be personalty, and of thirty days if the property be realty, and the said collector shall make settlement in full with the town treasurer on or before the first day of January of each year for the taxes as shown by the town list, except such as may be allowed him by the board as insolvents.

Final settlement.

Penalty for nonpayment.

Sec. 47. That if any persons liable for taxes on subjects directed to be listed shall fail to pay them to the tax collector on or before the first day of February next ensuing, then the tax collector shall add to such tax amount a penalty for nonpayment of five per cent of such amount of tax, which shall be collected, together with said

tax amount, by the tax collector as is herein provided for the collection of said taxes by distress.

Sale of land for taxes.

Sec. 48. That when the taxes 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 February, and there is no other visible estate except such lot of land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the board of commissioners, and thereupon he shall sell the same at the courthouse door or at the door of the town hall, after advertising the same for thirty days in some newspaper published in said town, and if there be no such newspaper in said town, then by posting a notice at some conspicuous place at the town hall or courthouse door and three other public places in said county, and the collector may divide the said land into as many parts as may be convenient or expedient, and for such purpose he is authorized to employ a surveyor and shall sell as many parts thereof as may be required to pay said taxes and all expenses and costs 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 land, the same shall be struck off to the town, and, if not redeemed as hereinafter provided, shall belong to said town in fee.

Advertisement.

Division of land.

Land struck off to town.

Surplus subject to demand of owner.

Sec. 49. If upon a sale of the land there shall be a surplus, after paying said taxes and costs and expenses for advertising and selling same, it shall be paid into the town treasury, subject to the demand of the owner, without interest.

Time for redemption of land.

Sec. 50. The owner of any land sold under the provisions of this charter, or any person acting for such owner, may redeem the same within one year after the sale, by paying to the purchaser the sum paid by him for the land and twenty-five per cent on the amount of the taxes, costs, and expenses; and the treasurer shall refund to the owner, without interest, proceeds of the sale, less double the amount of taxes.

Conveyance of land not redeemed.

Sec. 51. That if the real estate sold, as aforesaid, shall not be redeemed within the time specified, the town shall convey the same in fee to the purchaser or his assigns by a deed signed by the tax collector, attested by the town clerk and with the corporate seal attached, and the recitals in such conveyance shall be conclusive evidence that the tax collector has complied with all the requirements of the law and this charter necessary to make the same valid, and the deed shall be presumptive evidence that the taxes for which the property was sold were due and unpaid.

Lands of persons under disability not to be sold.

Sec. 52. That the real estate of infants or persons *non compos mentis* shall not be sold for the taxes, and when the same shall be owned by such in common with other persons free of such disability, the sale shall be made as is provided by the Revisal for the sale of such lands.

License taxes.

Sec. 53. That in addition to the subjects listed for taxation, the commissioners may levy an annual license or privilege tax on the following subjects, the amount of which tax, when fixed, shall be collected by the collector of taxes, and if it be not paid on demand, the same may be recovered by suit, or the articles upon which the tax is imposed or any other property of the owner or party may be forthwith distrained or sold to satisfy the same, viz.:

Peddlers.

(1) On itinerant merchants, peddlers, or auctioneers, who shall sell or offer to sell privately or at public outcry within the town limits, whether by ascending or descending bids, a tax not exceeding fifty dollars a year, except such only as sell books, charts, maps, or wares of their own manufacture, but not excepting venders of medicine, by whomsoever manufactured, and not more than one person shall peddle under a single license.

Tables for games.

(2) Upon every billiard table, bowling alley, or alley of like kind, bagatelle table, pool table, or stand, or place for any other game or play with or without a name, kept for hire, or kept in a house used or connected with a hotel or restaurant (unless such alley, stand, place, game, or table is kept for private amusement or exercise alone and be not prohibited by law), a license tax not to exceed seventy-five dollars a year.

Hotels and boarding-houses.

(3) Upon every hotel, a license tax not exceeding one hundred dollars; upon every boarding-house with more than ten boarders, and every restaurant and eating-house, a license tax not exceeding fifty dollars; and the board of commissioners may levy the license tax provided for in this subsection according to its size, patronage, or income of the hotel, boarding-house, or houses, restaurants, and eating-houses.

Circus.

(4) Upon every circus, company of circus riders or performers, by whatever name called, who shall exhibit within the town or in one-half mile thereof, a license tax not exceeding seventy-five dollars for each performance or separate exhibition, and upon every side-show connected therewith, a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not so paid, to be doubled.

Side-shows.

Stage plays and other shows.

(5) Upon every company or person or persons exhibiting in the town or within one-half mile thereof, stage or theatrical plays, sleight-of-hand performances, rope dances, tumbling, wire dancing, or menageries, a tax not exceeding twenty dollars for every twelve hours allowed for exhibiting, the tax to be paid before exhibiting, or the same shall be doubled: *Provided*, the said board of commissioners shall have full power and authority to exempt from any tax whatsoever any such concerts or performances herein that may be given for religious or beneficial purposes.

Proviso: shows in licensed halls.

Artificial curiosities.

(6) Upon every exhibition for reward of artificial curiosities, models of useful inventions excepted, within the town or within one-half mile thereof, a tax not to exceed twenty-five dollars, to be paid before exhibition, or the same shall be doubled.

(7) Upon each show or exhibition of any other kind, and on each concert for reward, unless for religious or beneficial purposes, in the town or within one-half mile thereof, and on every strolling amusement, a tax not exceeding fifteen dollars, to be paid before exhibition, or the same shall be doubled: *Provided*, that plays, shows, or other amusements given in a regularly licensed hall or opera house shall not be taxed. Other shows and concerts.

(8) Upon every dog which may be brought into the town after the first of May to be kept therein, a tax not exceeding five dollars for the permission to keep said dog in the town, which permission shall not extend further than the last day of April next ensuing. Dogs.

(9) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding twenty-five dollars a year: *Provided*, this section shall not conflict with the provision of the Revisal with regard to auctioneers. Auctioneers. Proviso: revisal to govern.

(10) Upon every stock and bond broker, sewing-machine company or agent for such company, dealer in or manufacturers' agent of musical instruments, keeper of sales stables, livery stables, or stock-yards doing business in the town, a tax not exceeding twenty-five dollars a year. Brokers, agents, stables, and stock-yards.

(11) Upon every person engaged in the business of posting, distributing, or tacking up bills, posts, signs, or advertisements of any kind, a license tax not exceeding twenty dollars. Bill-posters.

(12) Upon every building and loan association, oil agency, or shooting gallery, a license tax not exceeding twenty-five dollars. Building and loan associations, oil agents, and shooting galleries.

(13) Upon every street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal or either, insurance agent or agency, and every skating rink, a license tax not exceeding fifteen dollars a year. Street hucksters and other occupations.

(14) That every telegraph, telephone or electric light company, fire company, street railway company, waterworks company furnishing water to the town or citizens, every railroad company having a depot or office in the town, shall pay a license tax not exceeding fifty dollars per annum. Public-service companies.

(15) That each undertaker, plumber, or person putting gas, electric or water fixtures in houses or yards, shall pay a license tax not exceeding ten dollars. Undertakers, plumbers, and pipe fitters.

(16) Each barber shop, rope walker, itinerant dealer in lightning rods, stoves, every dealer in fertilizer, practicing physician, dentist, or surgeon, optician, oculist, optometrist, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics, carriage, buggy, or wagon agent, or any person offering vehicles for sale as a business, each architect, contractor, or builder, cigar manufactory, tobacco warehouses, each dancing school, every agent for the sale of machinery, engines, every soda or mineral water fountain, every lecturer for a reward, except for religious or charitable purposes, each dairy wagon or vehicle, land agent or land broker, each butcher, persons selling jewelry, Miscellaneous occupations.

each printing office, every lawyer, shall pay a license tax of ten dollars per year.

Banks, junk shops, and other occupations.

(17) Upon every bank or banker, each junk shop, dealer in metals, cordage, etc., every mill, manufactory, machine shop or foundry, or factory, a license tax not exceeding twenty-five dollars a year.

Commission merchants and brokers.

(18) Upon all commission merchants and commercial brokers, a tax not exceeding twenty-five dollars a year.

Transfer lines.

(19) Upon every omnibus, hack, cab, carriage, dray, baggage wagon used to transport persons, baggage, freight, or other articles for hire, a license tax not exceeding fifteen dollars; on every huckster, trader, merchant or his agent, who buys produce for sale in other markets, and every fish and oyster dealer who buys fish or oysters to be sold in other markets, a license tax not to exceed twenty-five dollars per year.

Dealers in produce, fish, and oysters.

Other business, trades, and professions.

(20) The board of commissioners shall have power to levy an annual license or privilege tax on any business, profession, trade, or avocation of any kind carried on in the town of Beaufort not before enumerated herein and on all other subjects taxed by the State, not to exceed fifty dollars.

Fiscal year.

(21) That the fiscal year shall begin on the first day of June of each and every year, and when a license is taken out after the first day of June, the tax shall be proportioned according to the unexpired term of the year.

Graduation of tax.

(22) That the board of commissioners shall have the power to graduate any of the license or privilege taxes permitted in this charter by dividing the business into classes according to size, patronage, or income: *Provided*, the said tax must be uniform for all in a class.

Proviso: uniformity as to class.

Doing business without license misdemeanor.

(23) Any person carrying on or practicing any business, profession, trade, or avocation of any kind upon which a license tax has been levied, without first having obtained a license therefor, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned for not more than thirty days.

STREETS, SQUARES, AND PARKS.

Powers as to streets and sidewalks.

Sec. 54. That the board of commissioners shall have the power to grade, macadamize, and pave the streets and sidewalks, and lay out, change, and open new streets and widen or change those already open and make such improvements thereon as they may deem best for the public good. Also to lay out and establish parks and squares within or without the town limits and for the use of the town; to regulate and protect public grounds and to protect the shade trees of the town; and they may adopt such ordinances for the regulation and use of the streets, squares, and parks and other public property belonging to the town as they may deem best for the public welfare; that the board of commissioners may appoint a superintendent of streets to have charge of the streets of

Parks and squares.

Public grounds and shade trees.

Traffic regulations.

Superintendent of streets.

the town of Beaufort, under the supervision of the board of commissioners or a street committee, as it may deem best, and may appoint such other officers to care for and improve the streets, squares, and parks as it may think proper.

Lot owners to improve sidewalks.

Sec. 55. That every owner of a lot on a street, if so ordered by the board of commissioners, shall improve, pave, or repair in such manner as the board of commissioners may direct, as hereinafter provided, such sidewalks as far as it may extend along such lot; shall also contribute to the paving, macadamizing, or improving of the street abutting such property as directed by the board of commissioners, as herein provided: *Provided*, said board may prescribe special regulations for property abutting two streets: *Provided*, that no owner of any lot abutting on said street shall be required to pay more than one-half of the costs of improving such sidewalk and more than one-fourth of the costs of improving such street on which such property may abut: *Provided further*, that no assessment or other order of the board, as herein provided, shall be effective or enforcible until said board of commissioners shall have first provided for the improvement of said sidewalk and curbing thereof, if same be necessary, and the improvement of such said street, saving and excepting such portion thereof of said street and sidewalk as is herein provided, may be assessed against the respective abutting property holders on said street, and all work done under this section shall be under the supervision of the superintendent of streets, or of the street committee, or officers appointed by it; and on the failure to do as directed within twenty days by the superintendent of streets or the chief of police to the said owner, or, if he be a nonresident of the county, to his agent, or if such nonresident have no agent in said county known to the board, or if personal notice cannot be served upon the agent or owner, then, after the publication of the notice by the superintendent of streets or chief of police for four weeks in some newspaper published in Beaufort, calling on the owner to make such repairs or improvements, the board of commissioners, or the superintendent of streets may cause the same to be repaired or improved as directed by the board, and the expenses shall be paid by the person in default. Said expenses shall be a lien upon said lot or lots, and if not paid within two months after completion of the work, 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 redemptions and savings as are prescribed in said charter for the sale of land for unpaid taxes: *Provided*, that the board of commissioners, in order to secure uniformity in the work done, may, after giving ten days notice in the manner herein prescribed to the owner, have all the work provided for herein done by the town force, or by contract, and charge the actual cost of such work to the abutting property, and the said charges shall be a lien, as herein provided, and collectible as provided above:

Contributions to paving.

Proviso: lots on two streets.

Proviso: limit of proportion.

Proviso: work done by town.

Supervision of work.

Expense a lien on lot.

Enforcement of collection.

Proviso: option of town in doing work.

Proviso: payment by installments.

Provided further, that if the property-owner shall so elect and give notice of that fact in writing to the board within the two months hereinbefore prescribed, he shall have the privilege or option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which said work is done up to the time when the same shall be due and collectible, which said date shall be the date on which taxes are due and collectible, and in case of the failure or neglect of any property-owner to pay said installments when the same shall be due and collectible, then and in that event the said amount of said installments shall be a lien upon said property, as hereinbefore provided, and collectible as provided above: *Provided further*, that whenever the town has had any of said work done it shall give the owner of the said abutting property ten days notice of the amount charged against the said property, and if the said owner is dissatisfied with the amount of the said charge, he may give notice to the board of commissioners within the ten days aforesaid that he takes an appeal to the next term of the Superior Court of Carteret County, and shall within five days thereafter serve a statement of facts upon which he bases his appeal upon said board. The said appeal shall at the said term of court be tried as other actions at law, and the said owner may in like time and manner appeal from any order or act of the board of commissioners made or done under this section. Said appeal shall not delay or stop said improvements.

Collection of installments.

Proviso: notice to landowner.

Appeal.

Trial on appeal.

Appeal not to delay work.

Penalties for failure to make improvements.

Sec. 56. In addition to the above provisions, the board of commissioners may adopt ordinances imposing penalties on persons failing or refusing to make the improvements and repairs mentioned in the preceding paragraph, after being directed so to do by the board of commissioners.

Power to condemn land.

Sec. 57. That when any land or right of way shall be required for the purpose of opening new streets or widening or changing those already open, or for other objects allowed by this charter, and for want of agreement as to the compensation therefor, and the same cannot be purchased from the owner or owners at what the board considers a reasonable price, the same may be condemned and taken by the board of commissioners at a valuation to be made by three disinterested freeholders of the town, one of whom shall be chosen by the board of commissioners and one by the owner or owners, and, in case these two do not agree, then the two thus chosen shall select a third; and in making said valuation, said freeholders, after giving the owner or owners or their agent notice, or after giving ten days notice by posting notices thereof in four public places in said town, in case such owner or his agent cannot be found in the town, and after being duly sworn to act impartially and fairly, 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, also such benefit or advantage

Arbitration for assessment of damages.

Procedure for assessment.

such owner or owners may receive from the opening, widening, or changing such streets or other improvements, and ascertaining the same, if any, which shall be paid to the owner of said property, and report the same to the board of commissioners under their hands and seals, which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against the town of Beaufort and shall pass the title to the town of Beaufort of the land so taken, and the land may at once be taken and used by the town for the purpose intended: *Provided*, that if any person whose land is taken under this section or if the board of commissioners be dissatisfied with the valuation thus made, then in that case either party may appeal to the next term of the Superior Court of Carteret County: *Provided, however*, that such appeal shall not hinder or delay the board of commissioners in opening, widening, or changing such street or making such improvement.

Report.

Proviso: right of appeal.

Proviso: appeal not to delay work.

Sec. 58. The board of commissioners may grant franchises to street railway companies, electric companies, telephone companies, or companies of other kinds, to use the streets of the town to lay pipes, tracks, wires, and to set poles and to run cars and for other purposes, and may charge for such franchises and privileges, in addition to the annual license taxes, such amount as it may think just, to be turned over to the general fund of the town.

Grant of franchises.

Charges for franchises.

HEALTH, SANITATION, AND SEWERAGE.

Sec. 59. That the said board of commissioners shall have power to construct a system of sewerage for the town and protect and regulate the same by adequate ordinances, and if it shall be necessary in obtaining a proper outlet to the said system to extend same beyond the corporate limits, to condemn a right of way to and for such outlet, and the proceedings for the condemnation shall be as provided herein for opening new streets and other purposes, and said commissioners shall have full power and authority to control the territory within one-half mile round about said town as incorporated, for the purpose of protecting said town as in this section provided as well as against nuisances and other objectionable matter which may affect said town.

Construction and regulation of sewer system.

Extension of system.

Power to condemn land and control territory.

Sec. 60. That the board of commissioners may require all persons on a line of sewer to connect their premises with the said sewer with proper fittings and plumbings.

Requirement of connection.

Sec. 61. That the board of commissioners may charge and collect a sewer rental in such a reasonable amount and collect at such periods as it may prescribe for the use of said sewer, said rental to be based on the number of sinks, etc., connecting with the sewer, and in case the rental is not paid when due, it shall become a lien on the property with which connections are made, and may be collected in the same way as unpaid taxes and with the same costs and penalties.

Sewer rentals.

Rentals a lien on property. Collection.

Scavenger work.

Sec. 62. That the board of commissioners may provide carts or other vehicles to remove night-soil from the town, and cause said carts or other vehicles to visit all houses or premises not connected with the sewer at such periods as it may prescribe, and it may collect from the owner or lessee of every house in the town used as a residence and every factory or other place not connected with the sewer system a sum not exceeding three dollars per annum, which said charge may be made due and collectible at such time as the board may prescribe, and shall be a lien on the property where said house, factory, or plant is situated, and if not paid when due shall be collected as provided for the collection of unpaid taxes, with the same costs and penalties.

Tax for scavenger work.

Tax a lien on property. Collection.

Garbage wagons.

Sec. 63. That the board of commissioners may also provide wagons or other vehicles for the removal of garbage, slops, and trash from the town, and may require said wagons or vehicles to visit every house in the town used as a residence and every factory or plant and every store at stated intervals, and may require the owner or occupants of such premises to have the garbage, slops, and trash ready in a convenient designated place in some receptacle, so it may be easily removed, and may charge therefor an amount not exceeding ten dollars per annum on each such house, factory, plant, or other premises, said fee to be a lien on the property and to be collected as provided for the collection of unpaid taxes, with the same costs and penalties.

Removal of garbage.

Charges.

Charges a lien on property. Collection.

Adjustment of charges.

Sec. 64. That the charges permitted in the two preceding sections may be credited by the board of commissioners according to the size or use of the houses, plants, factories, or other premises.

Health ordinances.

Sec. 65. That the board of commissioners shall have power to pass ordinances for the prevention or restriction of unwholesome or dangerous occupations or manufactories, for the removal or abatement of all nuisances, and for the promotion of the public health.

Abatement of nuisances.

Sec. 66. That the board of commissioners, or the chief of police, the town superintendent of health, or other officer or officers who may be designated for this purpose by the board shall have power summarily to remove, abate, or remedy or cause to be removed, abated, or remedied any and everything in the town limits or within one mile of the said limits which is dangerous or prejudicial to the public health, and the expense of such action shall be paid by the person or persons in default, and if not paid, shall be a lien upon the land or premises where such trouble arises and shall be collected as is provided for the collection of unpaid taxes.

Board of health.

Sec. 67. That the board of commissioners may elect a board of health for such terms of office and with such offices, powers, duties, and remuneration as it may prescribe; may establish and maintain a hospital or hospitals or a pesthouse in the town or within three miles thereof; may stop, detain, examine, or keep in a pesthouse or house of detention persons having or suspected of having any

Hospitals or pesthouses.

Detention of infected persons.

infectious or contagious disease; may quarantine the town or any part thereof; may cause all persons in the town limits to be vaccinated; may, without incurring liability to the owner, remove, fumigate, or destroy furniture, bedding, clothing, or other property which may be suspected, upon professional and judicial opinion, of being tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or eradicate any contagious or infectious disease; and all expenses incurred by the town in disinfecting or caring for any persons by authority of this section may be recovered by it from the person cared for (except in such cases wherein the board, upon due investigation and proof, shall be satisfied that such person has no effects from which such amount of expense could be defrayed; then in such case the expense shall be borne by the town, and the amount so paid from the general funds in the treasury).

Quarantine.

Vaccination.

Destruction of infected property.

Recovery of expense.

Sec. 68. That any person who shall attempt by force or by threat of violence to prevent his removal or that of any other person to the pesthouse, house of detention, or hospital, or who shall in any way interfere with any officer while performing any of the duties of this chapter allowed and imposed by the board, shall be guilty of a misdemeanor.

Resistance to removal or interference with officer misdemeanor.

FIRE AND FIRE DEPARTMENT.

Sec. 69. That the board of commissioners shall have power to provide for the organization, equipment, maintenance, and government of fire companies and fire departments.

Fire companies and fire department.

Sec. 70. That the board may establish and maintain fire limits in the town, in which it shall be unlawful to erect wooden buildings or additions thereto, or otherwise change in any respect; it may also prohibit the removal of wooden buildings of any kind into said limits, or from one place to another within such limits. It may also prohibit or restrict the explosion of fireworks, dynamite, or explosives of any kind, and govern the sale thereof in the town and make such other regulations as may be deemed best for the prevention or extinguishment of fires and the protection of its citizens.

Fire limits.

Fireworks and explosives.

Sec. 71. That the board may make rules and regulations governing the erection and construction of buildings in the town so as to make them as safe as possible from fire, and in case of fire, the mayor, or in his absence the mayor *pro tem.* duly appointed, or in his absence a majority of the commissioners, may order the blowing up, tearing down, or the destruction in any way that may seem best, of any building, when it is deemed necessary to stop the progress of the fire; and no person shall be held liable, either civilly or criminally, for acting in obedience to the orders thus given.

Building regulations.

Destruction of property in arresting fires.

Sec. 72. That full power and authority is hereby given to the town of Beaufort to cause all buildings or portions of buildings which are unsafe and dangerous to life and property to be torn down and removed, and to that end and purpose the board of com-

Removal of unsafe buildings.

missioners of the town of Beaufort is hereby authorized and empowered to tear down and remove all buildings or portions of buildings determined by the board to be unsafe and dangerous to life and property: *Provided*, that the owner of the property on which said building or portion of building is located shall be given ten days notice in writing by the town clerk and chief of police of the town of Beaufort of the intention of the board of commissioners to so act, and shall be required to tear down the same. In the event of failure of such notices to the owner to take such action as is required in regard to such buildings, the board of commissioners may tear down and remove such buildings or portions of buildings so determined to be unsafe and dangerous to life and property, and the cost of tearing down and removing the same shall be a lien, and is hereby declared to be such, against the real estate on which said building was located, and same shall be collected in the same manner and by the same procedure as provided for the collection of liens for street improvements herein; and it is hereby expressly made the duty of the chief of police of the town of Beaufort to report to the board of commissioners any and all buildings the condition of which is unsafe and dangerous to life and property, or any buildings which are in bad condition of repair, not occupied and not under control of the owner and subject to public entrance, and thereby a source of danger from possible fire; and the said commissioners, upon such report, shall take such action as is herein authorized as the premises may require.

Proviso: notice to owner.

Cost of removal a lien on property.

Collection.

Chief of police to report on buildings.

WATER AND LIGHTS.

Lights and waterworks.

Sec. 73. That the town may own and maintain its own light and waterworks systems, to furnish water for fire and other purposes and lights to the town and its citizens.

Rights of way, water rights, and other property.

Sec. 74. That the board of commissioners shall have power to acquire and hold rights of way, water rights, and other property within and without the town limits, and shall have power to condemn and take rights of way, easements, water rights, and other property for the purpose of getting a pure and adequate water supply, and of furnishing water for the town and its citizens; that the proceedings in such condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Proceedings for condemnation.

Water and light commission.

Sec. 75. That for the proper management of said system, a commission to be known as the Water and Light Commission, is hereby authorized to be established, which said commission shall consist of three members, to be elected by the board of commissioners for terms of two years each, except that at the first election under this section the term shall be for one and two years, and in case of any vacancy otherwise than by expiration of the term, the board shall elect some person to fill out the unexpired term; and the said commission shall organize by electing one of

Election and term of office.

Vacancies.

Organization.

its members chairman, and the term of said chairman shall be for one year.

Supervision and control of systems.

Sec. 76. That the said commission shall have entire supervision and control of the maintenance, improvement, and management of the said systems, and shall fix such uniform rates for water and lights as conditions shall determine: *Provided*, that any person may appeal from this decision as to the rates to the board of commissioners, and the decision of the board shall be final: *Provided, however*, that nothing in this section shall be construed as making it mandatory upon said board to appoint such commission. This section is intended solely to authorize and empower such board in a proper premises to exercise the privilege herein granted.

Rates.

Proviso: appeal as to rates.

Proviso: appointment of commission optional.

Funds kept separate.

Sec. 77. That the said commission shall keep its funds in the hands of the town treasurer, in an account separate from the other town funds; that the said funds shall be paid out only on the order of the said commission, and at the end of each quarter the said commission shall report to the board of commissioners its receipts and an itemized schedule of its disbursements, and the net gain for that period, and shall recommend to the board such an amount as may be turned over safely to the general funds of the town. After hearing such report and recommendation, the board shall decide what sum shall be turned over to the general fund.

Payments on order of commission.

Reports and recommendations.

Amount to general fund.

Election and bonds of officers.

Sec. 78. The said commission shall elect all officers, agents, and employees necessary to the conduct of said system, and fixing their remuneration, but the board of commissioners shall decide which of said officers, agents, and employees shall give bond, and the amount thereof.

Pay of commission.

Sec. 79. The board of commissioners may, if it sees fit, allow a remuneration to the members of the commission, but such remuneration shall last only until a new board is elected and qualified, and said board shall at all times have full control and regulation of said commission, if same shall be established as is herein permitted, and may for proper causes fully determine such commission or remove therefrom any member or members, either for misconduct or other cause, which the board may deem advisable.

Control and regulation of commission.

TOWN HALL, MARKET, AND OPERA HOUSE.

Control and supervision of town buildings.

Sec. 80. The board of commissioners shall have entire supervision and control of the town buildings.

Opera house.

Sec. 81. The board of commissioners may conduct an opera house, or may lease the same upon such terms as it may deem best, or let such building for such periods as it may think proper, and may exempt from town license taxes theaters and other shows using the said opera house and paying rent therefor, or showing under the auspices of any benevolent or religious association.

Markets and market regulations.

Sec. 82. The board of commissioners shall have power to establish, maintain, and regulate a market or markets; may prescribe the time, manner, and place of sale of fresh meats, fish, and other marketable products, may rent stalls in such manner and at such prices as it may deem best; may appoint a keeper, inspector, or other officers of the market; may designate an officer to inspect fish, meats, and other products; and said officer shall have power and it shall be his duty to summarily condemn all unsound products offered for sale in the town for food and cause same to be removed at the expense of the person offering for sale; and it is hereby declared a misdemeanor for any person to knowingly offer for sale in the town any unsound articles for food.

Inspectors.

Condemnation of unsound food.

Offering unsound food for sale misdemeanor.

CEMETERIES.

Cemeteries.

Sec. 83. The board of commissioners may establish, maintain, and regulate one or more cemeteries within or without the town limits; may appoint a keeper and such other officers and employees as may be needed, and may prohibit the interment of dead bodies within the town limits.

Sale of cemetery lots.

Sec. 84. That the board of commissioners may sell plats in the said cemetery upon such terms as it may deem best, and no purchaser of a plat shall sell or transfer his plat to another person without the consent of the board.

Use of proceeds.

Sec. 85. The proceeds from the sale of lots and other income from the cemetery or cemeteries shall be paid over to the town treasurer and shall be used for the beautifying and improving of the cemetery or cemeteries, and for no other purpose. The board of commissioners may appoint a commission of three members to be known as the cemetery trustees, to have entire charge of the cemetery or cemeteries, with full power to employ a keeper and other persons to care for and improve the said cemetery. The term of office of said trustees shall be two years, except at the first election one shall be elected for one year and two for two years. The board of commissioners shall, if it decides to elect said commission, make an annual appropriation for the support of said cemetery or cemeteries, which appropriation shall be at the disposal of the said trustees. The said trustees shall serve without remuneration.

Cemetery trustees.

Keeper and other employees.

Term of trustees.

Appropriation for support of cemetery.

MISCELLANEOUS.

Interest of officers in contracts misdemeanor.

Sec. 86. That no mayor, commissioner, or any other officer of the town shall directly or indirectly become a contractor for work to be done for the town, and any person herein offending shall be guilty of a misdemeanor.

Animals running at large.

Sec. 87. That the board of commissioners may prohibit the running at large in the town of dogs, horses, cattle, and other brutes; may regulate the speed at which horses or other animals may be ridden or driven through the streets, and the speed at which

Speed regulations.

engines, cars, and trains shall run within the town limits, may prohibit railroads from stopping their engines or cars on the streets of the town, and may require said railroads to keep the street crossings in good repair, under the supervision of the superintendent of streets or street committee. Use of streets by railroads.

Sec. 88. That it shall be lawful for the town of Beaufort, through its commissioners, to pass ordinances preventing the running at large of stock, cattle, hogs, sheep, goats, horses, mules, donkeys, and geese; to pass all reasonable rules and regulations for the enforcement of said ordinances, for the impounding of said stock, cattle, hogs, sheep, goats, horses, mules, donkeys, and geese, and to make reasonable charges for the impounding of the same: *Provided, however*, that in the taking up and impounding of said stock, cattle, hogs, sheep, goats, horses, mules, donkeys, and geese belonging to nonresidents of the town, there shall be no charge except for the actual expense of feeding the same, unless the said board of commissioners shall maintain around said town a fence with suitable gates and shall keep the said fence in repair and to provide for keeping the said gates closed. Ordinances prohibiting running at large of and for impounding animals. Proviso: pound charges.

Sec. 89. That the board of commissioners shall have power to pass plenary ordinances for the due observation of Sunday. Observance of Sunday.

Sec. 90. That the said town of Beaufort shall have power and authority to build, construct, own, and maintain public docks and piers as may be declared necessary by the commissioners of said town, and shall have power and authority to pass all reasonable rules and regulations concerning the same, and shall have power to purchase or condemn property for the same, the condemnation proceedings to be conducted under such reasonable rules and regulations as the said commissioners may prescribe. Docks and piers. Purchase or condemnation of property.

Sec. 91. The board of commissioners may maintain a public library. Public library.

Sec. 92. That among the powers hereby conferred on the board of commissioners, they may issue bonds after they have passed an ordinance by a three-fifths vote of the entire board at two separate regular meetings, submitting the question of issuing the bonds to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof. Thirty days notice, or four weeks, shall be given of such election in some newspaper published in Beaufort, at which election those in favor of creating the debt shall vote "Bond Issue Approved," and those who oppose it shall vote "Bond Issue Not Approved." The board may order a new registration of voters at any and all such elections, if they deem it proper to do so; and in the event such new registration at any such election shall be ordered, then only those who shall register for such election shall be qualified voters in such said election: *Provided*, that upon a petition signed by at least one-fourth of the qualified voters within said town, asking that an election be called for the purpose of voting upon the issuance of Issue of bonds. Notice of election on bond issue. Votes. New registration. Proviso: petition for election.

bonds, that the said board shall proceed to call such election, the same to be held as is provided for the holding of the election for municipal officers herein; and said board may order a new registration, if it so desire; and in case of such petition being so presented, the restrictions in this paragraph set out in the first portion thereof shall not apply: *Provided*, that nothing herein shall restrict or limit the right to issue bonds for the necessary expenses of said town, nor shall this section be so construed as to deprive said town of Beaufort of, or restrict the officers thereof in the exercise of, any rights or powers conferred upon it by section two thousand nine hundred and seventy-four of the Revisal of one thousand nine hundred and five of North Carolina; but said provision shall have application in cases of debt or tax contracted or levied by said town, except for necessary expenses thereof only.

Proviso: bonds for necessary expenses.

Construction of section.

Recovery of penalties.

Sec. 93. That all penalties imposed by law relating to the town, or by this act, or by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Beaufort before the mayor, justice of the peace in said county of Carteret, or any tribunal having jurisdiction thereof.

Limit of penalties.

Sec. 94. That the commissioners shall not have power to impose for any offense a larger penalty than one hundred dollars, unless the same be expressly authorized, and from any judgment of the mayor for any penalty which is imposed or for other cause of action herein allowed the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace.

Appeals from mayor.

Fees of mayor.

Sec. 95. That the mayor shall receive and turn over to the town treasurer 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, thirty cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him to apprehend an offender against criminal laws of the State under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed among the costs; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of such offender by such as may convey him away; for the use of the town seal for other than town purposes, one dollar; for every certificate for other than town purposes, fifty cents.

Sale of town property.

Sec. 96. That the board of commissioners shall have power by a vote of three-fifths of the commissioners present at such meeting at which such proposition arises to sell any real property belonging to the town, and when so authorized, a deed for the said real estate may be executed by the mayor and attested by the town clerk, with the corporate seal of the town attached: *Provided*, that this section shall not apply to plats in the cemetery, except as to form and manner of the execution of the deed.

Execution of deed.

Proviso: sale of cemetery lots.

Work in payment of fines and penalties.

Sec. 97. That in all cases where judgment may be entered up against any person or persons for fines or penalties according to the laws and ordinances of the town of Beaufort, and a person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor before whom said judgment is entered to order and require such person so convicted to work on the streets or other public works until at fair rates of wages such person or persons shall have worked out the full amount of the judgment and costs of the prosecution.

Levy on town property forbidden.

Payment of town debts.

Sec. 98. That no levy shall be made on any property belonging to the town, nor shall any levy be made upon the property of any individual for any debt due by the town, but all such debts shall be paid only by taxation upon subjects properly taxable by such corporation.

Failure of officer to settle misdemeanor.

Punishment.

Sec. 99. That any officer of the town of Beaufort who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals, or effects of such town shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.

Tax lists subject to inspection, alteration, or amendment.

Failure to surrender list misdemeanor.

Sec. 100. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax and subject to be corrected or altered by them, and shall be open for inspection by the public, and upon the demand of the authorities imposing the tax or their successors in office shall be surrendered to the authorities for such inspection or correction, and any tax collector who shall fail or refuse to surrender his list upon such demand shall be guilty of a misdemeanor.

Police to serve civil process.

Sec. 101. That it shall be lawful for policemen to serve all civil process that may be directed to them by any court under the same regulations and penalties as are or may be prescribed by law for constables.

Employment of convicts.

Sec. 102. That it shall be lawful for the town authorities, in their discretion, to contract in writing with the board of county commissioners for the employment of such prisoners as may be confined in the county jail by order of the court on the streets.

Cases before mayor not subject to removal.

Right of appeal.

Sec. 103. That no person shall have the right in any proceeding before the mayor to remove the same to any other court for trial, but in all cases parties shall have the right of appeal as herein provided.

Violation of ordinances misdemeanor.

Sec. 104. That any person or persons violating any ordinance of the town shall be guilty of a misdemeanor.

Actions not brought before demand and refusal.

Sec. 105. That no action shall be instituted or maintained against the town of Beaufort upon any claim or demand whatsoever of any nature or kind until the claimant shall have first presented his or her claim or demand in writing to said board of commis-

sioners, and said board of commissioners shall have declined to pay or settle the same as presented, or for twenty days after such presentation neglected to enter or cause to be entered upon its minutes its decision in regard thereto; but nothing herein contained shall be so construed as to prevent any statute of limitations from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running. No action for damages against said town of any character whatever, to either person or property, shall be instituted against said town, unless within sixty days after the happening or infliction of the injury complained of the complainant, his executors or administrators, shall have given notice to the board of commissioners of said town of such injury, in writing, stating in such notice the time and place of the happening of such injury, the character of same, the manner in which same happened, and the amount of damages claimed therefor, but this shall not prevent any statute of limitations from running or commencing to run from the time such cause of action accrued or in any manner interfere with the running of such statute. But nothing in this section shall be construed to affect any action now pending in the court.

Statute of limitations.

Notice of claim before actions for damages.

Statute of limitations.

Charter of town.

Laws repealed.

Sec. 106. That from and after the ratification of this act, the same shall be the charter of the town of Beaufort, and all laws now constituting the charter of said town and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, except acts relating to the issue of bonds, and all laws of a public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, so far only, however, as they may affect said town: *Provided*, that such repeal shall not annul any ordinance, by-laws, or rules of the corporation, unless the same be inconsistent with this act, nor shall such repeal affect any act done, or any ordinances, by-laws, or rules relating to bond issues or the granting of franchises, or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, debt, or obligation possessed by or due to the corporation by its present name from any corporation or person whatsoever be lost, affected, or impaired, but the same shall remain in full force and be possessed, enforced, and enjoyed in the name and for the use of the corporation by the town of Beaufort.

Proviso: effect of repeal.

Sec. 107. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 108. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.