

Sec. 13. Be it further enacted, That if said town magistrate and commissioners shall permit the streets or roads within the corporate limits of said town to get out of order, and remain so as to become a nuisance, or shall permit any other nuisance to exist in said limits, which they had the power to remove, they shall be liable to indictment, and on conviction shall be fined at the discretion of the court.

Sec. 14. Be it further enacted, That all acts heretofore passed, for the better regulation of the the town of Statesville, coming within the meaning and purview of this act, be, and the same hereby repealed.

Sec. 15. Be it further enacted, that this act shall be in force from and after its ratification.

[Ratified 9th of January, 1847.]

CHAPTER CCIII

An Act to incorporate the town of Hendersonville, in the county of Henderson.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the sheriff of Henderson county, either by himself or his lawful deputy, on the first Monday in March, in each and every year, at the court house in the town of Hendersonville, in said county, to open polls for the election of five commissioners in and for said town of Hendersonville, to continue in office for the term of one year and after, until others, duly chosen and qualified, have entered upon the duties of their office: *Provided,* that no one shall be eligible as commissioner, who has not resided six months preceding his election within the limits of said town, and is an actual resident at the time of such election.

Sec. 2. *Be it further enacted,* That every inhabitant of said town, who has resided six months therein and who is qualified, according to the constitution, to vote for members of the house of commons, shall be entitled to vote in said elections; and such elections shall be by ballot; and in the event of a tie, the sheriff or his lawful deputy aforesaid shall give the casting vote.

Sec. 3. *Be it further enacted,* That said commissioners, after their election and before entering on the duties of their office, shall take an oath, before some justice of the peace of the county aforesaid, faithfully and impartially to perform said duties; and thereupon they shall constitute a body politic and corporate, by the name and title of the "Commissioners of Hendersonville;" and by such name

they shall be invested with a succession and a common seal, and shall have full power to hold and convey real and personal property, to sue and be sued; and to pass and ordain such by-laws and ordinances, not inconsistent with the constitution and laws of the United States and of this State, as, from time to time, they, or a majority of them, may deem expedient and advisable for the good government of said town.

Sec. 4. *Be it further enacted*, That said board of commissioners shall have power to appoint a magistrate of police, a town constable, and treasurer; and the constable so appointed shall be the collector of the town tax, under the direction of said commissioners; and for that purpose shall have all the powers and immunities of sheriffs in the collection of public revenue, and shall collect all fines and forfeitures arising by virtue of this act, by warrant before any justice of the peace for said county; and shall receive for his services, the fees which by law the sheriffs and constables of this State have a right to receive for similar services.

Sec. 5. *Be it further enacted*, That it shall be the duty of each person residing or holding property in said town, to deliver to the board of commissioners, whenever required, a statement, on oath, of all the property owned or possessed by such person within the limits of said town liable to be taxed; and on failure to do so when required by the board of commissioners, within one month, shall pay double taxes on all property not given in as above, unless on sufficient excuse shown, to be adjudged of by the board.

Sec. 6. *Be it further enacted*, That said board shall appoint an overseer of the streets, whose duty it shall be to keep them in good and sufficient repair; and for this purpose he is empowered to require the services of all persons residing in said town, liable by law to work on roads, as often as shall be necessary; and in all other respects, shall possess the powers, and be liable to the penalties, to which overseers of roads are now subjected.

Sec. 7. *Be it further enacted*, That all persons living within the limits of said town, liable to work on public roads, be, and they are hereby exempted from working on roads, without the limits of said corporation.

Sec. 8. *Be it further enacted*, That if any of the commissioners elected as by this act required and having been notified thereof ten days, shall refuse or neglect to take the oath prescribed, for one month after said election, unless he shall remove out of the limits of said town, or be otherwise incapable of serving, shall be liable to pay twenty dollars, to the use of said town; for which forfeiture the solicitor for that judicial circuit is hereby required to bring suit, in the name of the commissioners of Hendersonville, in the superior court of law of Henderson county.

Sec. 9. *Be it further enacted*, That all appointments made by the commissioners of Hendersonville, shall be for the unexpired term

of the commissioners making the appointment; and if any person appointed pursuant to the provisions of this act (unless excused by said commissioners) shall refuse or neglect to serve, such person shall be liable to pay twenty dollars, to the use of the town, which shall be recovered before any justice of the peace of said county, by warrant, in the name of the commissioners of Hendersonville.

Sec. 10. *Be it further enacted*, That the corporate limits of said town are hereby declared to be one half mile, in each and every direction from the court house: *Provided*, it does not cross Mud creek.

Sec. 11. *Be it further enacted*, That this act shall be in force from and after its ratification; and that all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed.

[Ratified 7th of January, 1847.]

CHAPTER CCIV.

An Act to incorporate the town of Windsor, in the county of Bertie.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that on the second Monday in January, 1847, and on the second Monday in January in each and every year thereafter, the sheriff of Bertie county shall hold an election in the town of Windsor, for a magistrate of police and three commissioners, who shall govern the town in the manner hereinafter mentioned; and if any person elected shall refuse to serve at that time or during the year for which he is elected, unless he leaves the town, he shall be subject to a fine of twenty dollars, to be recovered at the suit of any one of the commissioners before any justice of the peace for the county of Bertie: *Provided*, that no person shall be eligible as magistrate of police or commissioner, unless he resides in the town, and that at least two of the commissioners shall be owners of real estate.

Sec. 2. *Be it further enacted*, That the board elected as above, and each subsequent board, shall appoint persons to hold the election on the second Monday in January, in each and every year, for said magistrate and commissioners; and the commissioners shall possess the ability to sue and liability to be sued, in their corporate capacity; and it shall be their duty to keep the streets in good order, and free from all obstacles which may obstruct passengers; and it shall be their duty to keep hogs from running at large in the streets; and to