

ORDINANCES

AND

BY-LAWS

OF

THE BOARD OF COMMISSIONERS,

FOR THE GOVERNMENT OF

THE CITY OF RALEIGH,

NOW IN FORCE,

From the Year 1803 to 1838.

RALEIGH:

PRINTED AT THE OFFICE OF THE RALEIGH REGISTER.

1838.

ORDINANCES.

GENERAL REGULATIONS.

1. If any free person shall cut, fell or destroy, or cause to be cut, felled or destroyed, any tree, bush, or underwood, growing or being on the Public Squares or Grounds, in or adjoining the City of Raleigh, he shall be deemed guilty of a misdemeanor, and shall forfeit for every such offence forty shilling, with costs : and if any Slave shall be guilty of the like offence, he shall receive not less than ten, nor more than thirty-nine lashes.

2. No citizen of Raleigh shall encroach upon the streets of said City, by erecting any Piazza, Porch, Paling, Chimney or other Building within the same, except the necessary fencing of any trees, on pain of being obliged to remove the same, or of paying such an annual fine to the Commissioners, as shall be determined upon by them.

3. No person shall strain a horse within the limits of the City of Raleigh, on pain of forfeiting forty shillings for every such offence. If a slave shall be guilty of the like offence, he shall be whipped at the discretion of the Intendant, not exceeding 39 lashes, except the fine be paid by his owner.

4. No wood, brick, stone, earth, or other substance, shall be suffered to lie in the public streets of the City. Persons failing to remove any such obstruction to the free passage of the streets, for 24 hours after being required to do so by the Constable of the City, shall forfeit for every such offence forty shillings.

5. No Chimney shall be erected within the City of Raleigh of any other material than Stone or Brick, on pain of having the same removed, or forfeiting, after notice given to the tenant or owner by the Intendant of Police or City Constable, for the first month such Chimney shall remain standing, five pounds, and for every succeeding month, forty shillings.

6. The citizens of Raleigh may plant trees or posts in front of their houses in the streets of the same at the distance of twelve feet from the line of the street ; and if any free person shall mischievously cut or destroy any such tree or post, he or she shall, upon conviction, pay five pounds, with costs : and if a slave shall be guilty of the like offence he shall receive not less than ten, nor more than thirty-nine lashes.

7. No person shall discharge any gun or other fire-arms within any of the streets or public squares of the City, or upon any lot of the same, (excepting his own lot,) on pain of forfeiting forty shillings for every

such offence. Or if the offence be committed in the night, the offender shall forfeit five pounds.

8. No free negro or mulatto shall be permitted to reside in the City, without obtaining a permit from the Board of Commissioners, which will not be granted until the Board be satisfied that the applicant supports an honest, industrious and peaceable character; and shall be forfeited on misbehaviour. Each and every such offender shall forfeit and pay the sum of forty shillings, to be recovered by warrant in the name of the Commissioners of the City; one half thereof to the use of the City, and the other half to the informer, and if, on conviction, the said penalty and costs be not forthwith paid, the said delinquent shall be whipped at the public whipping post, on his or her bare back, the number of lashes (not exceeding thirty-nine) to be at the discretion of the Intendant of Police, and in the event of whipping, the delinquent shall be discharged from the penalty and costs, but the costs shall be paid by the Treasurer of this Board, under the direction of the Board, and the claim of the informer shall in such case cease. And if any mulatto or free person of color shall, after conviction aforesaid, continue to reside in the City, in violation of this Ordinance, he she or they shall be again liable to the same penalty and punishment as aforesaid, and so for each and every continuation of such offence after conviction to the same penalty and punishment as aforesaid.

9. No slave to leave his master or mistress's lot, after nine o'clock at night, without a permit, on pain of being taken up and committed to Jail by the City Watch for the night, and of being brought before the Intendant of Police for examination, next morning.

10. No person shall take water from any of the Public Pumps in barrels, nor water a horse at either of the Pumps, on pain of forfeiting a dollar, if a free person, or if a slave, of being whipped.

11. Free persons of color gaming with slaves within the limits of the City, shall for every such offence, be fined not exceeding five pounds, nor less than forty shillings. Slaves gaming with each other, shall be whipped at the discretion of the Intendant, not exceeding thirty-nine lashes.

12. Persons committing wanton injury on the property of any inhabitant of the City, shall on conviction, be fined not less than forty shillings nor more than ten pounds, at the discretion of the Intendant of Police.

13. No house or Store, in which Spiritous Liquors are retailed, shall be kept open after nine o'clock at night, on pain of forfeiting forty shillings.

14. No person shall throw any thing into the gutters of the public streets, which may obstruct the free passage of the water, on pain of forfeiting, on conviction, ten shillings. If a slave be guilty of the same offence, he shall be subject to be whipped, under the direction of the Intendant of Police.

15. A City Constable shall have power, in cases of exigency, to summon such number of persons to aid him in the execution of his duty, as he may judge proper.

16. No person shall be allowed to fasten a horse, mule, &c. to the fence inclosing the Capital Square, on pain of forfeiting fifty cents.— And every person finding a horse, &c. so fastened, will be justified in letting him loose. Any person fixing a horse-shoe, hook, or other thing to said fence, for the purpose of fastening horses. &c. thereto, shall, if a free person, forfeit ten dollars; and if done by a slave, he shall be whipped, at the discretion of the Intendant of Police.

17. No person shall deposit in any of the streets of the City, any quantity of Clay or Red dirt, without permission of the Board of Commissioners, on pain of forfeiting four dollars for every such offence.— Every slave guilty of the like offence, on conviction, shall be whipped not exceeding ten lashes. And each and every distinct act of depositing Clay or Red Dirt, shall be considered a new and distinct offence.

18. None of the Public Squares of the City shall be cultivated or occupied in any manner, on pain of forfeiting ten dollars; and every continuance of such occupancy or appropriation, after due notice given by the Intendant of Police to relinquish the same, shall be considered and punished as a fresh offence.

19. Any person putting, or causing to be put, or being any way concerned in putting, any mare to a stud horse or jack-ass, within the limits of the City, shall, for every such offence, forfeit ten dollars.

20. If any male slave shall be guilty of rude, indecent or offensive behaviour towards any white female, in any of the streets or public grounds of the City, either by night or day, so as to insult or alarm such female, he shall, on conviction, be whipped at the discretion of the Intendant of Police.

21. If any slave shall offer for sale any food, fuel, forage, or other commodity, in the night time, without permission in writing from his master, mistress or overseer, such commodity may be seized by a City Constable; and if, after advertising the same for ten days, no owner of what is so seized shall appear, it shall be sold at the market-house, and one-half of the proceeds shall go to the officer seizing the same, and the other half to the City Treasury.

22. The Constable for the City of Raleigh shall be appointed for three months only, at the first meeting in the months of January, April, July and October, in each and every year.

23. All offences shall be tried before the Intendant of Police, or in his absence, &c. before a Justice of the Peace, and all fines shall go, one half to the City Fund, and the other half to the person who brings offenders to conviction.

24. To every Stove erected within the City, there shall be an iron or brick hearth, extending one foot in front and one each side, and the pipe to every such Stove, if it pass through the wall or roof of the house, shall extend four feet from the same, and such pipe shall have a cap or

elbow fixed to the end of it, and shall not be placed within eight feet of any other building.

25. It shall be the duty of the City Constables, from time to time, (and especially every fall,) to examine the Stoves erected in the City, and if they be not constructed in conformity with the above regulations, they shall give directions to their owners to have them so fixed; and if such directions be not carried into effect within a month from the date at which they are given, the owner shall be subjected to a penalty of two dollars.

26. If any inhabitant of the City shall suffer a Chimney in his house to take fire, so as to blaze out at the top, (except in rainy weather,) he or she shall be subject to a fine of four dollars.

27. No Blacksmith's or Baker's Shop shall be erected in that part of the City, which is limited by Blount Street on the East, Cabarrus Street on the South, M'Dowell Street on the West, and Jones's Street on the North, unless said Shops shall be made fire-proof. Any person offending against this regulation will subject himself to a fine of fifty dollars; and for every month such prohibited building shall be kept up, a like forfeiture will be incurred.

28. If any person shall wantonly throw filth or rubbish of any kind into any of the Public Wells, or in any manner injure the works thereof, he shall be subject to a fine not exceeding five pounds, nor less than forty shillings. If a slave shall be guilty of the like offence, he shall be whipped at the discretion of the Intendant.

29. No buildings of wood, or perishable materials, to be built on the Square in the City of Raleigh bounded by Hargett Street on the North, by Fayetteville Street on the West, by Morgan Street on the South and by Wilmington Street on the East; nor, shall any wooden Houses be removed from any part of the City or from any other place, on said Square, under a penalty of forfeiting ten dollars for every week that any such building shall remain thereon, to be paid to the City Treasurer, to be applied to the improvement of said City.

30. No shavings or other fuel, except the fire which Blacksmiths may require in tiring wheels, shall be hereafter burnt in any of the Streets of the City; and every person who shall violate this Ordinance, by setting fire to shavings or other fuel in any Street of this City, except Blacksmiths as aforesaid, or cause the same to be done in the day time, and shall not extinguish it before dark, shall, for each offence, if a free person, forfeit and pay five dollars, to be recovered by warrant, before the Intendant of Police in the name of the Commissioners of the City of Raleigh, one moiety whereof shall go to the City fund, for the use of the City, and the other moiety to the party suing for the same. And if the offender be a Slave, the punishment, on conviction, shall be whipping not exceeding forty lashes.

31. Every owner or proprietor of a lot in this City, on which there is an open Cellar, or on which any Cellar may hereafter be opened, if

the same be situate on a public Street, shall erect or cause to be erected in front thereof, and on the side also, where the same lies exposed, a temporary fence, railing or barricade, on pain of forfeiting fifty cents for every day that said owner or proprietor may refuse or neglect to erect the same, to be recovered by warrant before the Intendant of Police, and to be applied to the use of the City.

32. When the City Constable shall apprehend any negro slave, he shall not inflict any corporal punishment on such slave, but forthwith carry him before the Intendant of Police, or some Justice of the Peace of the County of Wake, to be dealt with according to law. And if any City Constable shall inflict corporal punishment on any slave, except in cases of resistance to his authority, before he shall have the authority of the Intendant of Police, or of a Justice of the Peace, he shall be subject to a fine of ten dollars, to be recovered by warrant, by the owner of such slave, or by the Commissioners, for the benefit of the City funds.

33. The City Constable shall have power to enter the enclosure and house of any person, when he has good reason to believe any of the Laws of the State, or Ordinances of this City are violated, without having a warrant or warrants, for the apprehension of any person or persons, and if necessary, he may summons a posse to aid him, and each and every one so summoned, shall have the like authority.

34. If any person shall sell goods by Auction in the City of Raleigh, without authority from the Commissioners of the City, he shall forfeit and pay ten dollars for every such offence, for the use of the City, to be recovered by warrant in the name of the Commissioners aforesaid, before the Intendant of Police.

35. The City Constable shall have full power and authority, in case of his meeting with resistance in the execution of his official duties, to summon a sufficient number of persons to aid and assist him in the execution of his duties, and if any person so summoned, shall neglect or refuse to aid and assist, the Constable is hereby directed to make return of the names of such person or persons so refusing to aid and assist, to the Intendant, who is required to proceed against such person or persons as the Law may direct. When any person or persons shall be found offending against any of the City Ordinances that are or may be in force, and shall make his, her or their escape from the City Constable, it shall be the duty of the said Constable to lodge information immediately with the Intendant of Police for the City, who is empowered and required to issue his warrant to apprehend such offender, and on sufficient evidence, to take the same proceedings against, and inflict the same fines or corporal punishment on such offenders, when brought before him, as they would have been liable to if they had been apprehended and brought before him without such warrant, or without first having made his, her or their escape.

ORDINANCES FOR THE
THE SABBATH.

1. If any free person shall be taken up and convicted for disorderly conduct on the Sabbath, he shall be fined not exceeding four dollars, which fine, if not paid when demanded, may be recovered by warrant.

2. It is made the duty of the City Constable to disperse any assemblage of Negroes which may be found about the Market-house, or in any other part of the City, on the Sabbath-day, and to apprehend such as may be disorderly, and carry them before the Intendant of Police.

3. Slaves from the country, found in the City on the Sabbath, or in the night, without a pass from their masters, mistresses, or overseers, will be taken up by the City Constable and carried before the Intendant of Police: and the City Constable is directed to patrol the City for the purpose of apprehending such disorderly slaves.

4. No person shall be allowed to play at Fives, or any other Sports or Games, on the Sabbath day, within the limits of the City of Raleigh, on pain of forfeiting for every such offence, forty shillings: and if any Slave offend in this respect, he shall be whipped at the discretion of the Intendant. And every proprietor of a Five-Alley or other Sport-Ground, permitting Games to be played on the Sabbath, shall forfeit, on conviction, five pounds.

5. Any person convicted of hauling wood on the Sabbath, shall be fined for every waggon load, fifty shillings, for every cart load, forty shillings.

6. Any slave or other person offering any article of food forage, or fuel, on the Sabbath, for sale, shall forfeit the whole—one half to go to the City Funds, and the other half to the informer.

7. It shall be held to be a violation of the good order of the Sabbath, for any Slaves or free persons of colour to be loitering in any of the public Streets of the City; and it shall be the duty of the City Constables to take up any such person or persons of colour so offending, and if no responsible white person will give a verbal pledge to the officer, that the offender or offenders shall appear before the Intendant of Police or some Justice of the Peace resident within the City the following morning, he, she or they shall be committed to Jail, and, after due examination, shall be whipped, or otherwise dealt with at the discretion of the Intendant or Magistrate.

8. It shall be the duty of the Constable of the City of Raleigh, to go over the whole City and suburbs at least two Sundays in every month, and diligently search every suspected house and nook, for the purpose of preventing the assemblage of any slaves or free negroes, of apprehending any person or persons who may be found violating any of the Laws or Ordinances of the City or of the State, and of ferreting out and bringing to justice all offenders against the peace and good order of Society.

MARKET.

1. No person is allowed to expose to sale any article of produce before noon of any day, except at the Market-house. The purchasers of such article shall be subject to a penalty of two-thirds of the value of the produce purchased: *Provided*, That this restriction shall not extend to contracts previously made by an inhabitant of the City, with persons residing in the country.

2. For every Beef or Calf exposed to sale in the Market-house in the City, shall be paid on demand to the Clerk of the Market, for the privilege of the use of the Market-house, by the person exposing the same, fifteen cents: and for every Sheep or Lamb exposed to sale in the same, five cents; *Provided*, That no persons who have rented stalls in said Market-house shall be subject to said tax.

3. If any person or persons shall refuse to pay the tax herein laid, the Clerk of the Market may refuse him or them admittance to the Market-house, or may recover the same by warrant, before the Intendant of Police of said City.

4. It shall be the duty of the Clerk of the Market to attend the Market from sunrise to eight o'clock in the Summer, and from sunrise to nine o'clock in the winter, to receive said tax, and keep a correct account of such receipts in a book to be procured for that purpose.

5. No person shall be permitted to expose to sale in the Market-house any ginger-cakes or other cakes, cider or other liquor; and any one exposing to sale in the Market-house, or within twenty feet thereof, any cakes or liquor, if a white person, he or she shall forfeit ten dollars; if a coloured free person, he or she shall forfeit four dollars: and if a slave, his or her mistress shall be subject to a fine of five pounds; and if such slave shall have behaved him or herself in a disorderly manner, he or she shall be whipped at the discretion of the Intendant of Police.

6. If any person shall at any time be found in a state of intoxication in the Market-house, or behaving in a disorderly manner therein, or idly lying on the benches thereof, if a white or coloured free person, he shall be subject to a fine not exceeding ten dollars nor less than four dollars. And it is made the express duty of the City Constable or Clerk of the Market, to apprehend and carry every such person before the Intendant of Police.

7. Of the six stalls in the Market-house, four shall be rented to Butchers of good character, who shall engage to supply said Market regularly with the best meat that can be procured in the vicinity; and the two remaining stalls shall be reserved for the free use of the neighboring Planters, who may furnish occasional supplies to said Market. No other than sound, wholesome meat, shall be allowed to be offered for sale in the Market; good order and decency of behaviour shall be observed by the Butchers and other venders, and by all who attend the Market; the Market-house shall be kept clean and orderly, and shall be daily cleared of all marketable articles in Summer, at 10 o'clock in the forenoon, and

at all other seasons, at 12 o'clock at noon; a Clerk of the Market shall be appointed, with a competent allowance for his services, whose duty it shall be to inspect whatever is brought to Market, to preserve good order therein, to rent out the stalls and receive the money therefor, and pay the same over to the City Treasurer, and to see that these regulations be, in all respects, strictly observed. In case any meat or other article be offered for sale, which the Clerk of the Market shall deem unfit, unsound, or unwholesome, he shall direct it to be withdrawn; and if this direction be not immediately complied with, the person offering the article objected to, shall be subject to a fine of two dollars. And if any person attending said Market shall appear there intoxicated, or shall act in a rude and disorderly manner, he shall be taken before the proper authority, and on conviction of any such offence, be subject to a fine of two dollars, or imprisonment for a period not exceeding ten days, at the discretion of the Intendant of Police, or Justice of the Peace, by whom the case shall be examined. And in case any person shall fail to leave the Market-house, and remove therefrom the articles which he may have exposed there for sale, within fifteen minutes after the hour for closing the same, (the arrival of which is to be announced by the ringing of a bell,) he shall be subject to a fine of two dollars. During the Summer season, meat and other provisions may be exposed for sale in the Market-house on Saturday evenings, provided that the house be always cleared by the ringing of the nine o'clock bell.

NUISANCES.

1. No Tanyard shall hereafter be established within the limits of the City. Those already in existence shall be kept as clean and free from stagnant water as circumstances will allow; they shall be suffered to continue so long only as their proprietors obey the requirements of the Commissioners as to their cleanliness.
2. Stagnant water in Cellars or other places, to be removed, on notice from the Intendant, on pain of forfeiting forty shillings for every day it shall remain after such notice.
3. It shall be the duty of every occupant of a City Lot, to remove from the same any dead animal, or other nuisance, which may happen to be thereon, without the limits of the City, at least one hundred yards from the bounds thereof, or from any public road, on pain of forfeiting forty shillings.
4. No cotton-seed or other vegetable matter, shall be suffered to lie at any cotton-gin, or other place, within the limits of the City, after the first day of April in any year, on pain of forfeiting for every day such vegetable matter shall remain, after that day, one dollar; and if not re-

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moved by the owner before the 10th of April, it shall be the duty of the City Constable to cause it to be removed at the expense of the owner.

5. No Necessary-house shall be permitted to stand so near any public street as to be offensive to passengers, (they shall be at least 10 feet from the street,) on pain of the owner or occupier of such property forfeiting forty shillings; and if continued, after a conviction has taken place, five shillings for every day it shall remain. All Necessary-houses to be effectually cleansed once a year during the winter; and within the first six days of July and September annually, in order to prevent them from becoming offensive, their occupiers shall throw into them a sufficient quantity of lime or ashes, on pain of forfeiting for neglect, forty shillings.

6. No Privy within the limits of the City shall be suffered to remain exposed in such a manner as that a hog or pig can enter therein, under the penalty of ten dollars, to be collected by warrant: *Provided*, That in every instance, the owner of such Privy shall have received ten days' notice from the City Constable of his liability to such penalty, and he shall have failed to repair his lot accordingly.

7. No inhabitant shall be suffered to convey out of his or her Kitchen the dish-water and other slops, into any of the streets of the City, on pain of forfeiting forty shillings, and one dollar for every day it shall remain after the Intendant shall have given notice to the owner to have it removed.

D O G S .

1. A tax of twenty-five cents shall be levied on every dog kept within the limits of the City, over three months old; and on every bitch of like age, one dollar.

2. It shall be the duty of each and every person, at the time of giving in his, her or their annual list of taxable property for the City; to declare on oath, the number of dogs over three months old, that he, she or they may own, or which may belong to any person boarding or residing in his, her or their family or families, or to any slave in his, her or their family or families, or employment.

3. Should any person or persons, living within the limits of this City, fail to give in their dog or dogs in the manner prescribed, he, she or they, shall forfeit and pay the sum of two dollars for each dog or bitch so omitted, to be recovered by warrant before the Intendant of Police, or any Justice of the Peace for the County of Wake, to go to the City Treasury.

THE GRAVE YARD

Is divided into four Squares. The two Northern Squares are for the use of the citizens and their friends. Strangers to be interred in the South-Westerly Square, and negroes and persons of color in the South-Easterly Square.

2. All Graves to be due East and West, and five feet in depth.

3. No Grave to be opened until it is marked out by the City Constable, on pain of forfeiting not more than fifty dollars, nor less than two dollars. City Constable allowed twenty-five cents for each grave marked out by him, to be paid by City Treasurer.

4. Any person may locate and inclose for the exclusive use of his family, any quantity of ground, not exceeding 300 square feet, on paying therefor to the City Treasurer, four cents per square foot.

5. It is earnestly recommended by the Commissioners, for the sake of keeping the Springs and Wells of the City uncontaminated, and from other weighty considerations, that the citizens desist from the practice of interring their dead in private lots.

THE CITY WATCH

Is established at the commencement of every year, by forming every male inhabitant of the City of proper age into classes of six, one of whom is appointed Captain. The Watch is under the direction of the Intendant of Police, who calls the classes out in rotation at his discretion, under the following regulations :

1. Captains of Watches, when ordered out on duty by the Intendant of Police, shall report to the Intendant the following morning, by the time specified in the printed Rules for the Government of the City Watch. On failure of any Captain, when notified by the City Constable, to perform Guard duty, or to make report as required, he shall be liable to a forfeiture, for the first offence, of five dollars, and for every succeeding offence, of ten dollars.

2. The Watch is to patrol the Streets till a certain hour in the morning which the Intendant prescribes ; they are directed to secure in Jail all suspicious or disorderly persons, whether white or black, until morning, when they are dealt with according to law : The Watch is to be particular in respect to Fire ; in case of any breaking out, the bells are to be rung, in order to alarm the citizens. The Watch is not to enter any house, yard or kitchen, except in pursuit of a fugitive, or where some disorder may be heard. They are not to inflict any punishment ; but leave this to be directed by the Intendant of Police, to whom they are to report in the morning.

3. Any member of a class failing to attend his duty, when notified by the City Constable, subjects himself to the fine of a dollar.

4. The City Constable for the time being, shall repair daily to the office of Intendant of Police, for the purpose of receiving the Guard order, which shall be forth delivered by him to the Captain of the City Watch.

he shall then proceed to notify the members of the Watch of the time and place of meeting, which notice shall be deemed sufficient to compel their attendance.

4. Whenever the regular Captain of the Guard is unable from sickness, or other unavoidable cause to act, he shall forthwith make the fact known to the Intendant in writing, who is hereby authorised to substitute some member of the Class to the command for that particular occasion; and the member so designated, shall strictly attend to the instructions given him, under the same regulations, and subject to the same penalties, as are prescribed in the preceding clause.

5. It shall be the duty of each member of the Watch, when ordered out, to attend at the place and hour specified, and, in the event of the Captain not appearing, to select a substitute for the night from their own number, and under his direction to patrol the City agreeably to the regulations heretofore prescribed for the government of the Watch; and for failing to perform such duty, each member shall forfeit and pay ten shillings for each neglect, to be recovered by warrant before the Intendant, or some Justice of the Peace for the County of Wake. *Provided*, that it shall be competent for the Intendant to receive excuses on oath, for non-attendance.

6. It shall be the duty of the City Constable after the ringing of the bell at night, to patrol the Streets frequently, and also of the Guard, when ordered out, to take care that no disorders are committed, to have an eye to the orderly observation of the Sabbath by Negroes, Apprentices, &c. and to use their exertions to prevent any meeting or meetings of Negroes or people of colour, for the purpose of drinking or dancing on Sundays, or at any other time. If any white person shall grant permission for any such meeting on his or her lot, he or she shall be liable to a penalty of ten pounds; and if any free person of colour, residing within the limits of the City, shall suffer any such meeting upon his or her lot, he or she shall be liable to a penalty of five pounds, and shall be further liable to forfeit the permission which he or she may have obtained to reside therein.

7. If any free person shall hereafter be taken up and put in confinement by the regular Watch of the City, or by the Constable while acting as Watchman of the night, the person so taken up, shall be carried the next morning before the Intendant of Police, who is required to enquire into the cause of his or her apprehension and confinement, and if he or she shall be found upon such enquiry to have violated any or either of the Ordinances or Resolutions of the Commissioners of the City, to inflict such punishment, or impose such fine as the By-laws of the City shall require, but if it shall appear that there has been no breach of any particular regulation adopted by said Commissioners, further than a refusal to comply with the requirements of said Watch or Constable, or being obstinate in his or her conduct, or noisy or uncivil to the

Watch or Constable, then the Intendant shall have full power to judge of his or her conduct, and shall at his discretion, either discharge such person, if he or she be not in fault, or impose a fine on him or her for the benefit of the City, not exceeding five pounds, if his or her conduct shall appear to have been improper, which fine, if not paid on demand made by the Constable, may be recovered by warrant before the Intendant of Police, in the name of the Commissioners of the City of Raleigh, with costs of suit, and if such person be taken up by the Constable as Watchman, and fined, the person so taken up shall moreover pay to the said Constable a fee of four shillings for such taking up, and if it be not immediately paid, the Intendant of Police shall give judgment for the same, and award execution thereon, and it shall be the duty of the Intendant of Police, to record the fines so imposed by him, and to report the same to the general Board of Commissioners every three months, and if any slave shall be taken up by said Watch, or Constable acting as Watch, and confined, such slave shall be brought before the Intendant of Police, the next morning, and if upon enquiry it shall appear that that slave was properly taken up and confined, and had not such a permit to be absent from his lodgings as the regulations of the City required, the said Intendant shall immediately pass sentence on such slave, and cause him or her to be publicly whipped not exceeding thirty nine lashes, which sentence shall be carried into effect by the Constable for the City, and for which he shall demand and receive from the owner, or person having the possession of said slave (if taken up by himself) the sum of four shillings, but if taken up by the other Watch, the sum of two shillings and six pence, which if not paid when demanded, the said Constable shall and may recover by warrant before the Intendant, with costs of suit. If the Constable for the City shall take up any Slave on the Sabbath, or at any other time for disorderly conduct, or for violating any of the regulations of the Board of Commissioners, other than those hereinbefore mentioned, he shall forthwith carry such Slave before the Intendant of Police, whose duty it shall be to enquire into the cause of such apprehension, and if perfectly innocent, to discharge said Slave, but if guilty or in any manner disorderly, to inflict such punishment by causing him or her to be publicly whipped, not exceeding thirty-nine lashes, as the nature of the offence or disorder may seem to require, which sentence shall be carried into effect by the City Constable, for which he shall demand and receive from the owner or person having possession of such Slave, the sum of four shillings, which if not paid when demanded, the said Constable shall and may recover by warrant before the said Intendant with costs of suit, and if any free persons shall be taken up by the said Constable on the Sabbath, for Sabbath breaking or any disorderly conduct on such day, contrary to the provisions and regulations of the Board of Commissioners on that sub-

ject, the said person shall be carried forthwith before the Intendant of Police, who shall enquire into the nature of the offence or disorderly conduct, and shall pass judgment thereon, according to the By-laws of the City. Where the charge is specially within those By-laws, and when it is not, if there shall appear to have been any disorderly conduct contrary to the general prohibitions of the Board, he shall impose a fine not exceeding forty shillings, for the use of the City, which, if not paid when demanded by the Constable, may be recovered by warrant before the Intendant of Police, in the name of the Commissioners of the City of Raleigh, with costs of suit, and the person charged, if he or she be guilty, shall in every instance, pay a fee to the Constable of twenty-five cents, which if not immediately paid, may be recovered by warrant before said Intendant with costs.

8. The City Watch, by an order of the Court of Pleas and Quarter Sessions of the county of Wake, are appointed a Patrol for the City of Raleigh, and any where within two miles of the same, with full power to act as such, provided the Captain of the Watch and a competent number of his men are present.