

AN ACT TO CONSOLIDATE, REVISE, AND AMEND THE
CHARTER OF THE TOWN OF ELM CITY,
NORTH CAROLINA

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Elm City shall be and continue, as they heretofore have been, a body politic and corporate, and in the name of the board of commissioners of Elm City or by the agents duly authorized by the said board shall have the right to contract and be contracted with, to sue and to be sued, to plead and be impleaded, to purchase and to hold and to convey real or personal property, and shall have all powers, rights, and privileges necessary or belonging to or usually appertaining to municipal corporations under the laws of the State of North Carolina.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a point in the center of Broad Street five-sixteenths of one mile southwardly from the crossing of Broad and Main Streets, and runs thence eastwardly parallel with Main Street five-sixteenths of one mile, cornering; runs thence northwardly parallel with Broad Street to Wilson Street, which runs by the residence of Dr. E. G. Moore, cornering; runs thence eastwardly with said Wilson Street one-sixteenth of a mile, cornering; runs thence northwardly parallel with Broad Street to the center of Main Street, continuing the same line northwardly and parallel with Broad Street five-sixteenths of one mile, cornering; runs thence westwardly eleven-sixteenths of one mile, cornering; runs thence southwardly parallel with Broad Street ten-sixteenths of one mile, cornering; and runs thence eastwardly parallel with Main Street to the beginning. That any and all police officers of the said town of Elm City shall have full power and authority to serve any and all process issued by the mayor of the said town against any person violating any of the ordinances of the said town within the corporate limits of said town, whenever such person so violating the said ordinances shall be within that territory, which is one-half mile from and adjacent to the corporate limits of said town.

Sec. 3. On Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and biennially thereafter, there shall be an election held in the town of Elm City for the purpose of electing, by the qualified voters of said town, a mayor and five commissioners for said town, who shall hold their offices for two years and until their successors are elected and qualified. The said commissioners and mayor so elected shall reside within the corporate limits of the said town and shall be duly qualified electors of Wilson County. The said commissioners shall each receive as compensation for their services not to exceed three dollars per month.

Sec. 4. All town elections for the town of Elm City, whether general as provided for in section three of this act or special elections for any purpose whatsoever, shall be held and conducted as near as possible as prescribed by the general laws for holding elections in towns as outlined in chapter seventy-three of the Revisal of one thousand nine hundred and five, Laws of North Carolina.

Sec. 5. That the mayor, immediately after the election and before entering upon the duties of his office, shall before a justice of the peace take the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all of the duties of the office of mayor of the town of Elm City while I continue therein, and will cause to be executed, as far as is in my power, all the laws, ordinances, and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever."

Sec. 6. That each commissioner, before entering upon the duties of his office, shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of a commissioner for the town, according to the best of his skill, ability, and judgment.

Sec. 7. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances, and by-laws of the town, and shall prescribe their terms of office and fix their compensation. the board of commissioners shall be further authorized to appoint one of their members a mayor pro tempore to act as mayor in case of absence of the mayor or his inability to perform the duties of his office. The salary of the mayor shall also be fixed by the board of commissioners.

Sec. 8. That the mayor of said town is hereby constituted an inferior court, and as such shall within the corporate limits of the town have all the power, jurisdiction, and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the commissioners. They mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor or for violating any ordinance of the town, and if the accused be found guilty he shall be fined at the discretion of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same such offender may be imprisoned not more than thirty days in the common jail of the county, with the privilege to be worked on the county roads. If the accused is dissatisfied with the judgment of the mayor or court, he may appeal in like manner as prescribed for appeals from judgments of a justice of the peace.

Sec. 9. That the mayor may issue his precepts to the township constable, who may execute the same anywhere in Wilson County, or to such other officers to whom a justice of the peace may direct his precepts, including chief of police of said town. An indorsement by the mayor of the names of the witnesses upon a summons or warrant shall be authority for the officer to execute the same. The mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings.

Sec. 10. That any town constable, policeman, watchman, or town officer arresting any person or persons for violation of any of the ordinances of the town shall have the right to commit such person or persons to the lockup or the common jail of the county for as early trial as practicable.

Sec. 11. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change, or extend or discontinue any street or streets or any part thereof within the corporate limits of the town, and shall have full power and authority to condemn, appropriate, or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owner of the land and the commissioners cannot agree as to damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall in his stead select one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and to ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties and shall vest in the commissioners the right to use the land for the purpose specified; and all damages agreed upon by the commissioners or awarded by the arbitrators shall be paid as other town liabilities, by taxation: Provided, that either party may appeal to the Superior Court as now provided by law.

Sec. 12. That the board of commissioners of the town of Elm City shall have power, not oftener than annually, to impose, levy, and collect a tax

upon all real and personal estate within the corporate limits of said town, and also upon all money on hand, solvent credits, and upon all polls and all other subjects of taxation taxed by the General Assembly for public purposes: Provided, that the rate of taxation shall not exceed one dollar on the hundred dollars valuation in any one year, and the said board shall have power to levy and collect a commutation tax upon all persons residing within the corporate limits of Elm City who may be liable to work on the public roads in lieu of requiring of them such personal services on the roads and streets.

Sec. 13. That in addition to subjects liable to taxation for State purposes, the commissioners shall have power to levy and collect a specific or license tax on the following subjects, to-wit: All itinerants, auctioneers, merchants or peddlers vending or offering to vend in the town, each express company, each telephone office, each photograph artist and persons taking likenesses of the human face, dealers in patent rights, each sewing machine company or agent, each commission merchant and commercial broker, huckster, or trader or agent of such who buys produce on the streets for sale in other markets, each meat market, or fish market, each ice dealer, and all other subjects of special taxation under the laws of North Carolina.

Sec. 14. That no person shall erect, put up, keep, use, or maintain, any billiard table, any ten-pin alley, or any gaming table or place by whatever place (name) known or called, at which games of chance, hazard, or skill shall be played within the corporate limits of Elm City without first having paid the tax and obtained license therefor as herein required.

Sec. 15. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same or the owner or the tenant of the ground wherever the same may be; they may also prevent the establishment of, and may regulate if allowed to be established, any slaughter-house or place for the exercise within the town of any offensive or unhealthy trade or occupation.

Sec. 16. That the board of commissioners shall have the power to require owner or owners of lots on such streets as they may direct to construct and keep in proper repair the sidewalk adjoining said lot, in such manner as may be prescribed by said commissioners, and in case of failure of said lot owner so to do, the authority to do it at the expense of said lot owner, which shall be a lien and charge upon said lot: Provided, the commissioners shall require the same to be done with earth, gravel, or sand.

Sec. 17. That the board of commissioners shall have power to provide water, take all proper means to prevent and extinguish fire, to make regulations to cause due observance of the Sabbath, appoint and regulate town watchers, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder or explosives within the town, to regulate the speed of driving and riding on the public streets, and to keep and require to be kept the sidewalks clear of all obstructions, to cut and remove all limbs, branches, and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets, at the expense of the owner of adjacent lots who may refuse to do the same on five days notice from the mayor of the town.

Sec. 18. That the commissioners may provide for the organization, equipment, and government of fire companies, and in all cases of fire a majority of such commissioners as shall be present may, if they deem it necessary to stop the progress of a fire, cause any house to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Sec. 19. That the town of Elm City is hereby vested with all the powers, rights, privileges, and immunities enumerated in chapter seventy-three of the Revisal of one thousand nine hundred and five, Laws of North Carolina, entitled "Towns," not inconsistent with the provisions of this act.

Sec. 20. That all laws and clauses of laws in conflict with this act

be and the same are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1915

PRIVATE LAWS OF NORTH CAROLINA - 1915 - Chapter 208

AN ACT RELATING TO THE CHARTER OF THE TOWN OF ELM CITY

The General Assembly of North Carolina do enact:

Section 1. That the charter of the Town of Elm City be amended as follows: That the Town of Elm City shall on the first Tuesday in April, one thousand nine hundred and thirty-five, and biennially thereafter, nominate its candidates for mayor and board of commissioners in a primary in the manner provided under the State Primary Law.

Sec. 2. That the person receiving the highest number of votes cast for the office of Mayor shall be declared the nominee by the town board of elections, and that the five persons receiving the highest number of votes cast for the office of commissioner shall be declared the nominees by the town board of elections, and that there shall be no second primary under this act.

Sec. 3. That any qualified elector residing in the Town of Elm City shall have the right to become a candidate for nomination in said primary: Provided, he shall file his notice of candidacy and pay over to the Clerk of the Town of Elm City a fee of one (\$1.00) dollar at least ten days prior to the first Tuesday in April.

Sec. 4. That all laws and clauses of law in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of May, A. D. 1933.

PRIVATE LAWS OF NORTH CAROLINA - 1933 - Chapter 224

Private Laws of North Carolina - 1917 - Chapter 125

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF ELM CITY TO ISSUE BONDS IN A SUM NOT TO EXCEED \$3,000 FOR THE PURPOSE OF PAYING OFF CERTAIN INDEBTEDNESS INCURRED BY THE SAID BOARD OF ALDERMEN, WHICH INDEBTEDNESS GREW OUT OF THE CONSTRUCTION AND MAINTENANCE OF A WATER AND SEWERAGE SYSTEM IN SAID TOWN, AND TO PROVIDE FOR THE PAYMENT OF THE INTEREST ON SAID BONDS AND OTHER BONDS BY TAXATION.

Private Laws of North Carolina (Ex. Ses.) 1921 - Chapter 55
AN ACT AUTHORIZING ELM CITY IN WILSON COUNTY TO ISSUE BONDS.

Chapter XVII Private
Laws of N. C. 1873-74
Page No. 294
Passed - December 18, 1873

Subject: AN ACT TO INCORPORATE THE TOWN OF TOISNOT, IN THE COUNTY OF WILSON.

Chapter 113 Private
Laws of N. C. 1891
Page No. 296
Passed February 25, 1891

Subject: AN ACT TO CHANGE THE NAME OF THE TOWN OF TOISNOT TO THAT OF ELM CITY.

Chapter 247 Private
Laws of N. C. 1891
Page No. 1212
Passed March 6, 1891

Subject: AN ACT TO AMEND CHAPTER SEVENTEEN (17) OF THE PRIVATE LAWS OF EIGHTEEN HUNDRED AND SEVENTY THREE AND FOUR.

Chapter 212
Private Laws of N. C. 1895
Page No. 371
Passed March 11, 1895

Subject: AN ACT TO CHANGE THE NAME OF THE TOWN OF ELM CITY TO THAT OF TOISNOT.

Chapter 471
Private Laws of N. C. 1907
Page No. 1250
Passed March 11, 1907

Subject: AN ACT TO EXTEND CRIMINAL JURISDICTION OF THE MAYOR OF TOISNOT IN WILSON COUNTY.

Chapter 40
Private Laws of N. C. 1909
Page No. 72
Passed February 11, 1909

Subject: AN ACT FOR THE ESTABLISHMENT OF A GRADED SCHOOL IN TOISNOT TOWNSHIP, WILSON COUNTY, NORTH CAROLINA

Chapter 325
Private Laws of N. C. 1911
Page No. 803
Passed March 4, 1911

Subject: AN ACT TO AMEND CHAPTER FORTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO THE ESTABLISHMENT OF A GRADED SCHOOL IN TOISNOT TOWNSHIP, WILSON COUNTY, NORTH CAROLINA

Chapter 470
Private Laws of N. C. 1913
Page No. 1420
Passed March 12, 1913

Subject: AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF TOISNOT TO ISSUE BONDS IN THE SUM OF \$10,000 FOR THE CONSTRUCTION AND MAINTENANCE OF A WATER AND SEWERAGE SYSTEM IN SAID TOWN.

Chapter 84 Private (Ex. Ses.)
Pub., Pub-Loc. & Priv. Laws of N. C. 1913
Page 159
Passed October 11, 1913

Subject: AN ACT TO CHANGE THE NAME OF THE TOWN OF TOISNOT TO THAT OF ELM CITY.

Chapter 160
Private Laws of N. C. 1915
Page No. 357
Passed March 2, 1915

Subject: AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF ELM CITY TO
ISSUE BONDS IN A SUM NOT TO EXCEED \$7,000 FOR THE PURPOSE OF PAYING
OFF CERTAIN INDEBTEDNESS INCURRED BY THE SAID BOARD OF ALDERMEN IN
THE CONSTRUCTION AND MAINTENANCE OF A WATER AND SEWERAGE SYSTEM IN
SAID TOWN AND TO PROVIDE FOR THE PAYMENT OF SAID BONDS BY TAXATION.

Charter of the Town of Elm City (Wilson)
Chapter 208 of the Private Laws of 1915

Charter	1873-74-17	The Town of Toisnot was incorporated. The name of the Town was changed to Elm City in Chapter 113 of the Private Laws of 1891; name changed back to Toisnot as a result of a citizen petition to the General Assembly in Chapter 212 of the Private Laws of 1895; name changed again to Elm City in Chapter 84 of the Private Laws of 1913 (Extra Session).
Revised & Consolidated	PrL1915-208	An Act to Consolidate, Revise, and Amend the Charter of the Town of Elm City, North Carolina.
Section 3	PrL1933-224	Amended Section 3 (Town elections).
	1955-152	Repealed PrL1933-224; provided the manner for electing a Mayor and Town commissioners.