CHARTER

OF THE

Village of Port Tobacco

CHARLES COUNTY, MARYLAND

As found in the Code of Public Local Laws
Article 9, 1888 Edition, as amended

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PORT TOBACCO

Section 132.

The citizens of the village of Port Tobacco, in Charles county, are created a body corporate by the name of "The President and Commissioners of the Village of Port Tobacco," and by that name may have perpetual succession, may sue and be sued, and may have and use a common seal. (P.L.L., (1860,) art. 9, sec. 72. 1888, ch. 297.)

Section 133.

The limits of the said village of Port Tobacco shall be as follows: Beginning at a stone and post now fixed on the east side of the Port Tobacco canal as it now runneth, and running thence with the dividing line between the lands now in possession of Henry G. Robertson and Doctor Robt. Diggs, called and known as "Plenty," north eighty–seven degrees twenty–five minutes, east twelve hundred and fifty feet to a stone now fixed near an old cherry tree; thence leaving said lands and running through the lands of the heirs of James E. Wingate, known as "Mount Bleak," and the lands of H. Heber Boswell, known as "Chandle's Hope," the following courses and distances, to wit: south twenty degrees forty–five minutes, west fourteen hundred and thirty feet; north sixty–five degrees thirty minutes, west two hundred and seventy–one feet; south twenty–seven degrees fifty–two minutes, west three hundred and fourteen feet; south twenty–five degrees, west three hundred and eighty–three feet to a branch; thence with the said branch south forty–eight degrees, west one hundred and seventeen feet; thence leaving the branch and running with a fence, south thirty–five degrees thirty minutes, west one hundred and twenty–eight feet; south thirty–nine degrees fifteen minutes, west one hundred feet; south forty–five degrees, west one hundred and eighty–seven feet to the end of or corner of said fence; thence north fifty–eight degrees fifteen minutes, west eight hundred and thirty–five feet to the aforesaid canal; thence up and with the said canal, as it now runneth, north twenty–nine degrees twenty–five minutes, east eighteen hundred and eight feet to the first beginning. (Ibid. sec. 73. 1888, ch. 297.)

Section 134.

The citizens of Port Tobacco shall, on the first Thursday in April, eighteen hundred and eighty–eight, and every two years thereafter, on the same day of said month, elect five commissioners, to serve for two years from the date of their election, and until their successors are elected and qualified, who shall have the management of the village; and shall have full power to pass and enact all such by–laws and ordinances as they may deem wise, equitable and expedient for the comfort, health, convenience and prosperity of said village and its inhabitants; to impose and appropriate fines, penalties and forfeitures for the breach of any of their by–laws or ordinances; to lay and levy taxes upon all kinds of property for the purpose of carrying into effect the powers herein conferred; provided, that such taxes shall not exceed twenty cents on every one hundred dollars worth of taxable property in any one year, which tax shall be collected by a person appointed by such commissioners for the purpose. (P.L.L., (1860,) art. 9, sec. 74. 1888, ch. 297.)

Section 135.

Whenever the commissioners shall levy a tax they shall cause to be made out an alphabetical list of the persons charged therewith, and shall cause to be affixed thereto the respective sums to be collected from such persons, and a warrant to the person appointed to collect the same. (Ibid. sec. 75. 1888, ch. 297.)

Section 136.

The person so authorized shall, within ten days after the receipt of such list and warrant, send to each person named therein an account or tax bill showing the amount due by him, if he be a resident of the village; and if he be a non–resident, and in consequence thereof cannot conveniently be served with said account or tax bill, he shall publish said account or tax bill in some newspaper published in Charles county, at the expense of the taxpayer, and may, unless the same be paid within thirty days after the delivery of the publication of such account, collect the same, with all costs, by distress and sale of the real and personal property of the delinquent at public auction, after giving at least ten days' public notice in some newspaper published in said county. (Ibid. sec. 76. 1888, ch. 297.)

Section 137.

The president of the commissioners shall deliver to the purchaser a deed of the property so sold, and the said deed shall convey to the said purchaser the said property, and it shall be presumptive evidence that all the requirements of law have been complied with in making such sale and deed. (P.L.L., (1860,) art. 9, sec. 77. 1888, ch. 297.)

Section 138.

The person authorized by the commissioners to collect shall make all collections required of him, and pay the same to the treasurer of the commissioners of the village within four months from the time the tax bill is placed in his hands. (Ibid. sec. 78. 1888, ch. 297.)

Section 139.

The said commissioners shall annually, on the first day of May, impose on every dog, owned or remaining longer than five days in said village, an annual tax of one dollar; and upon every bitch an annual tax of five dollars; and upon payment of such tax shall issue a permit to the owner of such dog or bitch therein, describing such dog or bitch, to keep the same in said village for twelve months. (Ibid. sec. 79. 1888, ch. 297.)

Section 140.

The bailiff of said village shall kill any dog or bitch going at large in said village without such permit to its owner, and shall receive such compensation for so doing as the commissioners shall think proper; and upon failure of any bailiff to perform the duty required of him in this

section, he shall forfeit the sum of ten dollars, to be recovered in the name of the said commissioners before any justice of the peace for the said county. (Ibid. sec. 80. 1888, ch. 297.)

Section 141.

No person shall permit his swine to run at large within said village, and the bailiff, upon the information of any person, or upon his own view, shall forthwith seize all swine found at large therein; and unless the owner shall redeem the same by paying to the bailiff the sum of fifty cents for each and every swine seized, the bailiff shall, after two days' notice set up at the court–house door, sell such swine at public sale, the proceeds of which sale shall be paid by him to the treasurer of said commissioners. (P.L.L., (1860,) art. 9. sec. 81. 1888, ch. 297.)

Section 142.

No person shall keep or raise any swine in styes, pens or other enclosures in said village, or within two hundred and fifty yards thereof; and the bailiff of said village, upon information that any person has any swine confined in a sty, pen or other enclosure within said village, or within two hundred and fifty yards thereof, shall give notice to such person to remove such sty, pen or enclosure, and upon failure to do so within ten days after such notice, the person so failing shall forfeit the sum of ten dollars, to be recovered in the name of the State, use of the commissioners of the village of Port Tobacco, before a justice of the peace for Charles county, which amount shall be used for the improvement of said village. (Ibid. sec. 82. 1888, ch. 297.)

Section 143.

The commissioners for the county, justices of the peace, sheriff, constables and all other county and State officers shall have, hold and exercise their offices and jurisdiction in said town as if this sub–title of this article had not been enacted; and the commissioners of Charles county shall appropriate annually one–half of the tax levied or imposed upon the assessable property within the corporate limits of said village for the improvement of the streets within said corporate limits, and shall order the county collectors who shall collect the taxes within said corporate limits, to pay said one–half thereof to the treasurer of the commissioners of the said village for that purpose. (Ibid. sec. 83. 1888, ch. 297.)

Section 144.

A majority of the commissioners shall constitute a quorum for the transaction of business, and shall at their first meeting, which shall not be more than ten days after their election, select one of their number president, who shall preside at all meetings of the commissioners, preserve order, vote on all questions be for **[**before**]** them, and remain in office until superseded by the appointment of a new president, and after a new election of the commissioners; and at the same meeting they shall select one of their number secretary, who shall keep an accurate record of all business transacted at each meeting, record all ordinances and by–laws adopted by said commissioners in a book to be provided by said commissioners for said purpose. (P.L.L., (1860,) art. 9, sec. 84. 1888, ch. 297.)

Section 145.

At the same meeting the commissioners shall appoint one of their number treasurer, who shall keep an accurate account of all moneys received and expended by him, and who shall, whenever required by the commissioners, furnish a report setting forth the financial condition of the village. (Ibid. sec. 85. 1888, ch. 297.)

Section 146.

The person appointed to collect the taxes of the said village shall be required to give bond in such sum as said commissioners may deem sufficient; and the bond of said collector shall be liable to be sued in the same manner as the bonds of collectors of State and county taxes, in the name of the State, use of the commissioners of the village of Port Tobacco. (Ibid. sec. 86. 1888, ch. 297.)

Section 147.

All citizens of Port Tobacco above the age of eighteen years who shall have resided in the said village for the period of three months, and twelve months within the State, next preceding the election, shall be eligible as commissioner, and shall be entitled to vote for the same. (Ibid. sec. 87. 1888, ch. 297; Res. 2/26/80.)

Section 148.

If any commissioner shall die, resign or remove from said village, or be otherwise disqualified during the term for which he may have been elected, the remaining commissioners shall have power to fill the vacancy. (Ibid. sec. 88. 1888, ch. 297.)

Section 149.

The said commissioners, or a majority of them, may annually appoint an active and discreet person to be bailiff within the limits of said village, who, before he shall proceed to the execution of his office shall take an oath, to be administered by a justice of the peace for the said county, that he will faithfully and impartially perform the duties required of him as bailiff; and the commissioners may require the said bailiff to give bond in the same manner and under the same penalties that the several constables of said county do; and it shall be the duty of said bailiff to attend the meetings of the said commissioners when so ordered; to perform such service as shall from time to time be directed by them to prevent the tumultuous and irregular meeting of all idle, dissolute and drunken persons within the limits of said village; and the said bailiff shall be invested with the same power that a constable now has under the public general laws of the State, and the commissioners may allow him such compensation as they may think proper. (P.L.L., (1860,) art. 9, sec. 89. 1888, ch. 297.)

Section 150.

When the health, comfort, convenience or prosperity of said village shall require the taking of private property for the purpose of opening streets, widening the same, or for any other purpose, the commissioners shall issue their warrant to the sheriff of Charles county to summon a jury of twenty persons, who have no pecuniary interest in the property to be condemned, residents of the county; and from the panel of jurors, each party, the commissioners and the owner of the property to be condemned, his agents or attorney, or, if either party be not present in person, or by agent, or being present in person or by agent, refuse to strike, the sheriff for him shall strike off four persons for each side, respectively, and the remaining twelve shall act as such jury, and they shall meet on the premises on a day fixed by the sheriff, and within ten days from the date of the warrant of the commissioners, of which day of meeting the owner shall have notice from the sheriff; and having been sworn by the sheriff, without partiality or prejudice to value the land and damages sustained by the owner by such condemnation, according to their best skill and judgment, shall proceed to make such valuation. (Ibid. sec. 90. 1888, ch. 297.)

Section 151.

The jury in estimating the damages shall take into consideration the value of the property condemned, the injury to other property, and the benefits to be derived from the improvements; the sheriff shall return the inquisition under his hand and seal, and hands and seals of the jury, to the commissioners, to be recorded among the land records of Charles county; and the said condemnation shall, upon payment or tender to the owner of the said land condemned, of the damages assessed by the inquisition, vest the property condemned in the commissioners, but the said property shall in no way be disturbed until the damages assessed shall have been paid or tendered. (P.L.L., (1860,) art. 9, sec. 91. 1888, ch. 297.)

Section 152.

The justice of the peace for the time being, holding office in the district in which said village is situated, shall act as judge of the first election to be held under this sub–title of this article, and shall keep the polls open in the afternoon at such place as he may select in said village, from four to six o'clock, and shall, within twenty–four hours after closing the polls notify in writing the five persons having the greatest number of votes that they have been elected commissioners of the village of Port Tobacco; and the said commissioners so notified shall thereupon meet and qualify, as directed by this sub–title of this article, and take control and management of the village; all subsequent elections to be provided for and regulated by the by–laws of the corporation. (Ibid. sec. 92. 1888, ch. 297.)

Section 153.

Every commissioner elected, before he shall proceed to execute the duties of his office, shall take an oath before some justice of the peace of the county that he will diligently and faithfully, according to the best of his judgment, perform the duties of commissioner of said village without favor, partiality or prejudice; and a certificate of such qualification shall be made

and returned by said justice of the peace to the said commissioners, to be filed and recorded among their proceedings. (Ibid. sec. 93. 1888, ch. 297.)

Section 154.

The said commissioners shall cause to be posted in two public places in said village all ordinances enacted for the government of said village. (P.L.L., (1860,) art. 9, sec. 94. 1888, ch. 297.)

Section 155.

They may pass ordinances to preserve the health of the village; to prevent and remove nuisances; restrain or regulate the running at large of horses, cattle and geese within the limits of said village; to prohibit the firing of guns and pistols in the said village; to prohibit and disperse the tumultuous meetings of idle, dissolute and drunken persons; to provide for the mending of the public streets, and generally to provide for the regulation and good government and improvement of said village; and may enforce the observance thereof under such penalties, fines and forfeitures as they shall deem proper, not exceeding ten dollars for any one offence; and all such fines, penalties and forfeitures may be recovered before a justice of the peace by warrant, judgment and commitment, for a period not exceeding ten days, to the public jail of Charles county, in the same manner that commitments are made for fines imposed by the circuit courts of the State, on conviction for misdemeanor; but the said commissioners, or a majority of them, shall have power at any time to remit or release the said fines, penalties and costs, or any part thereof, at their discretion; and any party fined or subjected to any penalty or forfeiture may, within five days after the same shall have been imposed and judgment recovered, supersede and stay the same for thirty days by giving ample personal security to the justice of the peace. (Ibid. sec. 95. 1888, ch. 297.)