

City of Winston-Salem Government Meetings Notes

Town of Winston: 1849-1869

WINSTON COMMISSIONERS' MINUTES

As in the case of the town of Salem, the first minutes of the Board of Commissioners of Winston were recorded in ledgers with hard cardboard backs and ruled pages. Entries were made with pen and ink (there is one that appears to be done in pencil) by one of the Commissioners appointed as Secretary for the Board. The Moravians in Salem, as well as in other communities in Wachovia, had a well-established custom of keeping accurate, detailed records of all their activities, so it was natural for the Commissioners of Salem to follow this custom in recording the transactions of the Board. However, it is apparent that the Commissioners of the Town of Winston did not have this background tradition for keeping detailed records. The minutes of these early Boards of the Town of Winston gave only the bare essentials relative to the town affairs, such as the names of the Mayors and Commissioners elected each year; the appointment of the Secretary, Treasurer, Town Constable and street Commissioner; the tax levy and report of expenditures; and the adoption of the Town Ordinances and Regulations.

The pages of Minutes Book Town of Winston Vol. 1 and 2 1859-1877 are not numbered.

Not until 1869 was any mention made as to election procedures, the appointment of election judges, or the number of votes cast. Later minutes of the Board indicate that the elections were held at the County Court House, and the Board of Commissioners held their meetings at the same location. The minutes further reveal that during the first ten year period the Board held an average of about eight meetings each year.

However, the new town of Winston could not be expected to show much progress during the first ten-year period. The population was small, the town revenue very meager, business was just beginning to get established; and furthermore, there were additional hardships incidental to the Civil War. The population of Winston on July 1, 1869, was 406, according to the count made by Mayor Tise. The U.S. Census Bureau gives Winston a population of 443 in 1870. This was approximately the population of the Town of Salem at the time of its incorporation in 1856.

Although the Town of Winston got off to a slow start, it picked up momentum rapidly after the first ten years, and was soon to take the lead over Salem in population, boundary expansions, and business growth.

COUNTY SEAT IN WINSTON

On January 1, 1849, by legislative enactment, the County of Stokes was divided and a new county formed and named in honor of Col. Benjamin Forsyth. Forsyth was a native of Stokes County who had died in the War of 1812. The legislature appointed five Forsyth County Commissioners. The creation of this new county meant that a new county seat would have to be established.

On May 12, 1849, the Commissioners purchased thirty-one acres of land from the Moravian Church, this amount later being increased to fifty-one and one-fourth acres, the price being \$5 per acre, or a total cost of \$256.25 for the entire county town site of that day. This property was bounded on the south by the south line of First Street; on the west by a line about 230 feet west of present Liberty Street; on the east by a line about 230 feet east of Main Street; with the extreme north line being at Seventh Street.

This tract of land was some of the best property in the Salem area, and provided a choice site for the new court house on top of a hill, at an elevation about 180 feet above Salem Creek at the end of Main Street. It is obvious that this transaction was more of a gift on the part of the Moravians, rather than a sale for profit. There was no suitable site for the Court House in Salem, nor did the Moravians want the county seat in their town. Court days were notorious for drinking and rowdiness things the Moravians did not want in their town; and of course, lawyers and court hangers on. However, they did see the advantage of having the county seat of government nearby, and no doubt this influenced their action in making the site available for the new county court house.

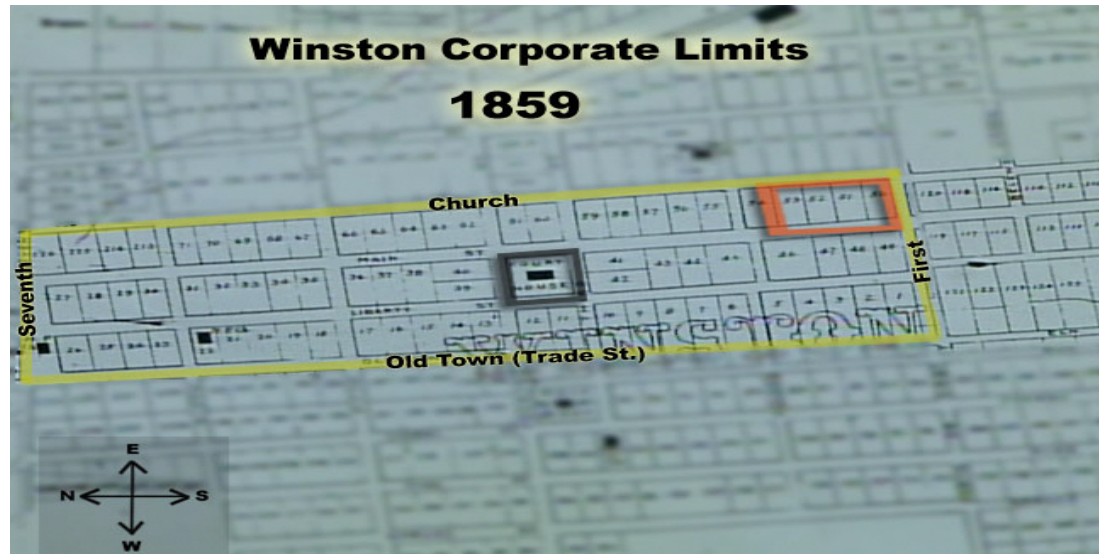
The County Commissioners immediately divided the property into seventy-one lots, reserving one 200 ft. x 198 ft. block for the court house site. These lots were sold at public auction for \$8,833.50, which represented quite a profitable return on property for which they had paid only \$256.25. Robert Gray bought lot No. 41, south of the court-house square, for \$465. This is the site of the first Wachovia Bank & Trust Co. building on the corner of Third and Main St.

Town of Winston Directing Board: 1849-1869

A newspaper article at the time stated: "The deed for the site on which is located the building occupied by the Wachovia Bank and the Owens Drug Company (corner Main, West side, and Third), which was sold a few days ago by Mr. James A. Gray to the Bank of which he is president and a large stockholder, was today filed for registration. The consideration given in the deed was \$27,500.

"A handsome banking and office building is to take the place of the present structure." (Twin City Sentinel, April 22, 1909)

Judge H. D. Starbuck purchased lots 50, 51, and 52, fronting 300 feet on Main Street and 200 feet on First Street, paying \$503 for these lots, this was nearly twice the sum---\$256.25---paid to the land office of the Moravian Church for the entire tract designated as Forsyth's County seat. The Starbuck home, when erected on this property, stood in the midst of a grove of trees. The beautiful brick mansion, built about 1851 along colonial lines, was one of the first houses of palatial style in early Winston. Judge D. H. Starbuck, U. S. District attorney, the father of Judge Henry R. Starbuck, lived in this house until his death in 1887. The family of the judge remained in the old homestead until about 1916. On March 29, 1920, the City of Winston-Salem purchased this property from Judge Henry R. Starbuck for the sum of \$82,500, as the site for the present City Hall.



The map segment shows the original corporate limits of Winston. The orange rectangles are Judge Starbuck's lots that would be the site of City Hall in 1926. (City of W-S map)

Thomas J. Wilson, an attorney, acquired (by lease or rental) lots 44 and 45, fronting 150 feet on Main Street and 198 feet along the north side of present second Street, this transaction was made with the Moravian land office in 1847, prior to the sale of the 51-1/4 acre tract to the County Commissioners. Judge Wilson built his home on this property in 1847, before Winston became a town, this was the first house built in the Winston area.

After the town was laid out and named, the first dwelling was built by Jesse Kennedy, and the first place of business was a small grocery owned by Harmon Miller. The first settlers in Winston were T. J. Wilson, Robert Gray, Frank Gorrell, Harmon Miller, Henry A. Holder, P. A. Wilson, John P. Vest, Jesse Kennedy, and David Cook.

Prior to the building of the Court House, the Courts of Forsyth County were held in the Concert Hall, Main Street, Salem, on property which was later occupied by the home of Dr. J. F. Shaffner. The stipulation was made that the whipping-post should not be within the limits of the Town of Salem. Whipping was a common punishment handed out by the Courts mainly for those who could not pay fines.



The first Courthouse on Courthouse Square faced south.
(Forsyth County Public Library Photo Collection)

The new court house was so near completion that on December 16, 1850, it was formally opened with religious ceremonies. It was a two-story building, forty-four by sixty feet, facing south. The roof of the portico was supported by four pillars, each thirty feet high. The court-room was on the second floor. The total cost of the building was \$9083.38, so the profit from the sale of the town lots was sufficient to pay all this expense except \$359.48. In other words, the \$359.48 is all the county had to raise to pay for the town site, court-house site, and for the first court-house.

The naming of the county town was the next step, and an attempt was made to have this done by a popular vote. The plan was to hold an election and take the name which had the largest number of votes. This plan failed, and January 15, 1851, the legislature passed an act which declared that "hereafter the county town of Forsyth County shall be styled and known by the name of Winston." The name was given in honor of Major Joseph Winston, a prominent North Carolinian, who figured in the War of the Revolution, and was also active in the political development, both state and national. Major Winston was born June 17, 1766, in Virginia, and died in Germantown, North Carolina, April 21, 1815. He is buried at the Guilford Courthouse National Military Park in Greensboro in which he had participated.



Major Joseph Winston
(Forsyth County Public Library
Photo Collection)

1859

TOWN INCORPORATED

An act to Incorporate the Town of Winston and Forsyth County.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and is hereby enacted by the authority of the same. That the Town of Winston, in the county of Forsyth, be and the same is hereby incorporated.

Section 2. Be it further enacted: That the town of Winston is hereby vested with all the powers, rights, privileges and immunities enumerated in Chapter III Revised Code, entitled "Towns".

Section 3. Be it further enacted, that the town of Winston shall be bounded as follows: On the south by the boundary line of the town of Salem; on the north by a line one-fourth of a mile distant from, and parallel with the northern line of the present town of Winston or court house tract; on the west by a line running parallel with the streets of Winston or court house tract, on the west by a line running parallel with the streets of Winston and twelve hundred and seventy-eight feet from the center of the court house; on the east by a line running parallel with the western boundary and one-half of one mile distant therefrom.

Section 4. Be it further enacted, that the Commissioners of the said town of Winston shall never have the power to levy or collect taxes on the land lying within the corporate limits of their town belonging to E. A. Deschweinitz, while the said Deschweinitz, his heirs or assigns, hold the same in his present fiduciary capacity.

(This Act ratified in February, 1859)

The corporate limits enclosed approximately 0.41 sq. mi., or about one-half the area of territory incorporated by the town of Salem in 1856.

THE FIRST ELECTION

The first election of town officials was held on April 1, 1859, at which a Mayor and seven Commissioners were elected to serve until April 1, 1860:

William Barrow, Mayor

Commissioners

Robert Gray

H. A. Holder

Jacob Tise

Henry Renigar

N. S. Cook

F. L. Gorrell

A. J. Stafford

The first meeting of the Board of Commissioners was held April 15, 1859. F. L. Gorrell was appointed Secretary. It is interesting to note that the first action taken by this Board was the passing of an ordinance requiring the property owner to provide a good sidewalk along his property:

Town of Winston Directing Board: 1849-1869

"Be it ordered that each owner of a lot in the incorporation be requested and they are hereby requested to make a good and passable walk along their said lots on the streets as in the foregoing Section, and any person failing to make such a walk shall forfeit and pay twenty dollars after being notified by the Mayor to do so within three months thereafter and complete the same."

At this meeting these By-laws were adopted by the Board:

1st. The duties of the Mayor will be to have the general supervision of all the municipal affairs of the town; the public morals, the town revenue and its disbursements; the streets and their being kept in repair; the efficiency of the Constable and Patrols, and the strict observance of all the by-laws and ordinances are made his immediate care; to him are all the officers of the town all the agents and employees of the town accountable. He shall at least every six months report in writing to the Commissioners the condition of the town treasury, setting forth how much has been paid out and for what purposes, etc.

2nd. It shall require four Commissioners to form a quorum to do business.

3rd. The rules generally observed in governing public bodies shall be observed in the deliberations of the Board of Commissioners.

4th. The Commissioners shall annually elect, by a majority of members present, a town treasurer who shall give a bond double the amount that comes into his hands, with good security for the faithful performance of duties. The Treasurer shall receive from the Mayor all the taxes, fines, etc., he shall collect; insisting on settlement at least every three months, and oftener if required, in detail to the Commissioners the condition of the town finances.

5th. No money shall be paid out unless on a warrant that shall have been passed on by the Board of Commissioners, except for street purposes, signed by the Mayor or president of the body and countersigned by the Secretary.

6th. The Constable shall be elected annually. Should the Constable or patrol, after being informed or knowing of the violation of any law or regulation, refuse or neglect to enforce the same, such officer shall, on conviction before the Commissioners, be fined not exceeding ten dollars for every offense.

7th. No by-law or ordinance shall be altered or passed unless it has been passed on at a previous meeting of the Board of Commissioners and in meetings have concurrent vote of two-thirds of members present.

8th. The Constable shall collect all fines and retain one-half for his services in addition to his regular cost. The cost allowed to town constable shall be the same as those received by regular constables for similar services.

After their election on April 1, 1859, the Board of Commissioners held only six meetings (including the meeting on April 15th) during the remainder of that year; the dates of their meetings and the actions taken were:

April 30th-The Commissioners appointed Edward Spach as Town Constable; Christian Reed, Street Commissioners and Treasurer; and Commissioners Hold, Cook, and Renigar were appointed on the Fire Committee.

May 11, 1859-The Board ordered that any person having obtained a license to retail liquors from the County Court prior to the incorporation of the Town of Winston would be permitted to continue such retail business until their license expired, provided the payment of the proportional part of the twenty-five dollar license fee be paid.

The Board also ordered "that any slave who shall be found within the corporate limits of the Town of Winston under the influence of liquor shall be committed until he becomes sober and receive not less than fifteen nor more than thirty-nine lashes, and his master or employer be liable for all costs that may occur."

May 31, 1859-- The Commissioners met and ordered the Mayor to pay off the bill for building the calaboose. The bill was for \$54.47.

June 17, 1859-The Commissioners appointed J. S. Sapp and Samuel Ferabee to patrol for the town for three months.

December 8, 1859-Mayor William Barrow swore in the following men for patrol for the balance of the year: J. S. Sapp, David Barrow, and Moses Faircloth. The patrol or patrolmen were similar to the Night Watchman in Salem.

1860

SECOND BOARD OF COMMISSIONERS

Elected on April 2, 1860:

P. A. Wilson, Mayor

Commissioners:

G. H. Renigar

Peter Fetter

H. A. Holder

A. J. Stafford

N. S. Cook

F. L. Gorrell

Robert Gray

April 9, 1860-Board appointed Nathaniel Snipes Town Officer and John Gorrell, David Barrow, and M. V. Faircloth as patrol. The patrol were exempted from paying poll tax.

TAX BASE - 1860

- (1) 10 cents on the \$100 Valuation on all houses and lots, and real estate within the corporate limits.
- (2) \$2 on all males within the ages of 18 and 45 years and all taxable slaves.

1861 BOARD

Elected April 1, 1861

Robert Gray, Mayor

Commissioners:

P. A. Wilson	R. J. Bell
N. S. Cook	William Barrow
F. L. Gorrell	A. J. Stafford
Peter Fetter	

William Barrow elected Secretary

April 20, 1861-Nathaniel Snipes appointed Constable for the year 1861.

TAXES FOR 1861

- (1) 10 cents on \$100 Valuation of real estate
- (2) \$2.00 Poll Tax for Roads
- (3) 25 cents on one male dog and 50 cents on each additional dog
- (4) \$5 on each female dog
- (5) \$1.00 on every sow running at large

1862 BOARD

H. K. Thomas, Mayor

Commissioners:

P. A. Wilson	Robert Gray
John D. Tavis	Simeon White
N. S. Cook	D. H. Starbuck
G. H. Renigar	

Robert Gray elected Secretary and Treasurer.

Nathaniel Snipes appointed town Constable and Street Commissioner.

Mayor ordered to purchase candles for use of the Board.

Inventory of Street Tools on hand, June 21, 1862:

4 shovels	1 colter
4 mattocks	1 crow bar
2 scrapers	1 cart

1863 BOARD

H. K. Thomas, Mayor

Commissioners:

N. S. Cook	J. S. White
G. H. Renigar	Thomas J. Wilson
J. D. Tavis	D. H. Starbuck
Edward Spach	

D. H. Starbuck elected Secretary, and N. S. Cook elected Treasurer, The Treasurer was authorized to buy \$2.00 worth of candles.

The Treasurer was ordered to pay to Mary Calhoun, widow of J. Y. Calhoun, the \$2 poll tax paid by J. Y. Calhoun who died in the Army.

APRIL 15, 1863 – FINANCIAL REPORT.

Mayor Thomas reported:

To Cash received from former Treasurer	\$149.69
To Taxes collected for 1862	135.35
To Taxes due	<u>62.42</u>
	\$347.46
Expenditures	<u>32.50</u>
Balance	\$314.96

April 20, 1863-Samuel A. Thomas was elected Town Constable and Jacob Thomas was elected Street Commissioner.

September 5, 1863- The minutes refer to the agreement between Winston and Salem under which the two towns would pay \$1.00 per meal for sick, maimed or helpless soldiers going or returning from the army, this service being furnished by Emanuel Fisher.

Jesse Kennedy was appointed street commissioner in the place of Jacob Thomas who had resigned.

1864 BOARD

The 1864 Board held only six meetings; five meetings in April and one in July.

July 29, 1864-"It is ordered that the taxes due to the Corporation of Winston be collected in the New Issue of Confederate Treasury notes or in the old issue of less denominations than five dollars, and that this order is made on account of the greatly depreciated condition of all other Confederate Money."

1865 BOARD

Thomas J. Wilson was elected Mayor on April 4, 1865. This Board held only four meetings. The tax rate was set at 5 cents on the \$100 Valuation on real estate and a 50 cent poll tax. The Board ordered "that each tax payer be allowed the privilege of working out his tax on the public streets of the Town at such places and in which work as may be designated by the Mayor."

1866 BOARD

Thomas T. Best, Mayor

Commissioners:

N. S. Cook	J. S. White
G. H. Renigar	D. H. Starbuck
J. S. Tavis	Thomas J. Wilson
Calvin Miller	

N. S. Cook was elected Treasurer and D. H. Starbuck was elected Secretary. Peter George was elected Town Constable.

April 28, 1866-Resolution approved ordering "that the Mayor fine any member of the Board for non-attendance of the meetings of the Board fifty cents for such failure, it appearing to his satisfaction that the defaulting member was duly notified of the meeting." The fine increased to \$1.00 in August, 1868.

April 30, 1866-"It is ordered that R. Gray be released from his taxes for 1865 in consideration of the work done by him on the cross streets between his lots and the Court House Square. It is further understood that Mr. Gray will construct free of cost to the town, a culvert across Main Street east of the said Square." (Gray owned a store on the south side of Courthouse Square at the 3rd and Main intersection. His property would become the first home of Wachovia bank).

At this meeting the Treasurer reported a balance on hand in the amount of \$62.63.

The Board appointed a committee "to visit all the houses in town and to examine the premises of the citizens and see if they are sufficiently protected and secured against fire, and to report the facts to a subsequent meeting of the Board." Another committee was appointed "to inspect the streets of the town and ascertain whether any person has encroached upon the streets."

Mayor Thomas T. Best was allowed \$25 for services as street commissioners for a term of twelve months.

N. S. Cook was allowed \$5 for listing taxes and for his service as Treasurer.

SMALL POX EPIDEMIC

Dec 28, 1866- The minutes state that a "contagious disease is prevailing in parts of the town of Salem." The Board then proceeded to enacted several ordinances regarding exposure to small pox. These are similar to Ordinances enacted by the town of Salem including one that required the town constable to put up a red flag at every house that may be infected. (January 14, 1867)

1867 BOARD WAS APPOINTED

During Reconstruction, North Carolina was under martial law and under Special Orders No. 132 issued by Major General D. E. Sickles, Headquarters Second Military District, Charleston, S. C., through the Military Post of Greensboro, N.C., by Captain J. W. Claus; under date of August 22, 1867 the next town officials were appointed:

Mayor: T. T. Best

Town Commissioners:

D. H. Starbuck	J. D. White
John D. Tavis	Benjamin Spaugh
Jacob Tise	William E. Axsom
N. W. Nading.	

They were sworn in on August 30, 1867, taking the oath of office prescribed in the act of Congress passed 2nd July, 1862, for all persons appointed to office under the government of the United States. The Special order from the Headquarters of the Second Military District is included in the Minutes Book.

1868 BOARD APPOINTED

On August 7, 1868, the next Board was appointed by W. W. Holden, Governor of North Carolina, and these officers to serve until others were duly elected and qualified:

Jacob Tise, Mayor

Commissioners:

N. S. Cook	M. J. Bodenhamer	J. C. Miller
T. T. Best	D. H. Starbuck	
Robert Gray	Wm. E. Axsom	

1869 ELECTION OF BOARD

Mayor Jacob Tise was appointed "to advertise and open books for the purpose of registering the names of the qualified Voters in said corporation preparatory to an election to be held at the Court House in Winston on the first Monday of January next for Seven Commissioners and a Mayor for said Corporation. It is ordered by the Board that James C. Miller and M. J. Bodenhamer (both town commissioners) be appointed to superintend the said election and make returns of the same according to an Act of the General Assembly in such cases made and provided, and that The Mayor shall set with the judges aforesaid at said election to be held the first Monday of January next for the purpose of registering the names of such qualified Voters as may apply on said day."

The Board of Commissioners met at the Court House at 7 o'clock PM. on Tuesday, January 12, 1869, at which time the election judges reported:

Jacob Tise, Mayor, received 43 votes.

Commissioners

R. Gray - 48 votes	Thos. J. Wilson - 27 votes
Wm. E. Axsom - 28 votes	James C. Miller - 26 votes
N. S. Cook - 28 votes	P. A. Wilson - 25 votes
Henry A. Siddall - 27 votes	

The Mayor and Commissioners were duly qualified by taking the oath subscribed before a Justice of the Peace:

"I, Robert Gray, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will discharge the duties of my office as Commissioner of the Town of Winston, so help me God.

R. Gray"

"This is to certify that R. Gray, who was on the 4th of January, AD 1869 duly elected Commissioner of the Town of Winston for the ensuing year, is duly qualified as such by taking and subscribing in my presence the above oath.

"In testimony whereof I have hereunto set my hand, this 12th day of January, AD 1869.

Jacob Tise, J. P."

Town of Winston Directing Board: 1849-1869

The new Board elected N. S. Cook Secretary and Treasurer, and John H. Wagoner was elected Town Constable and Street Commissioner, with the additional duty as Tax Collector.

During their term the Board:

Approved the payment of \$12 to T. F. Prather for four days hauling.

Authorized the payment of \$4 to Nathaniel Vogler for logs used on the streets.

Authorized Commissioners James C. Miller to purchase suitable lumber, and to make 6 ladders, 3 long and 3 short ones, for use of the Corporation and make out the cost and report the same to the Board for settlement.

Appointed Thomas J. Wilson to superintend the building of a log wall across the Branch of the Cross Street near said Wilson's Blacksmith Shop, and that the Corporation pay one half of the cost and said Wilson the other half.

TAXES

June 16, 1869-40 cents on the \$100 Valuation of Real Estate, \$1.20 Poll Tax, and \$1.20 Road Tax on persons between 18 and 21 years of age.

CENSUS ORDERED

June 21, 1869-Board appointed Mayor Jacob Tise "to take the Census of the Town of Winston in order that he may obtain the number of inhabitants of said town, and that he be paid \$2.00 per day for his service."

Mayor Tise reported to the Board on July 1, 1869, that the number of inhabitants in the Town of Winston was 406. On January 11, 1870, the Board authorized the payment of \$2.00 to Jacob Tise for his service performed in taking the Census of the Town of Winston."

RETAIL OF LIQUOR PROHIBITED

Oct 16, 1869-Mayor Tise presented a petition from John Miller asking the Board to recommend the County Commissioners to grant a license to Miller to retail liquor in the Town of Winston. The Board unanimously declared that they would not recommend the issuance of such licenses to Mr. Miller or any other person.

OLD PLANK ROAD CLOSED.

Oct 16, 1869-Board ordered "that the street known as the Old Plank Road leading from the Main or Liberty Street of Winston, leaving said Main Street at the North East corner of James Hall's lot and running West, be and the same is hereby declared to be discontinued as a Public Street or Road within the Corporate Limits." (This is now an alley between Liberty and Trade just north of 4th St.)

"It is further ordered by the Board that the street running from the Shallow Ford North and parallel with Main or Liberty Street shall be made 60 feet wide."